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A POLITICAL HISTORY OF SLAVERY

Being an Account of the Slavery Controversy from the Earliest Agitations in the Eighteenth Century to the Close of the Reconstruction Period in America

BY

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WITH AN INTRODUCTION BY

WHITELAW REID

In Two Volumes

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A POLITICAL HISTORY OF SLAVERY

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CHAPTER I

THE OUTBREAK OF THE WAR

IN the history of nations weak rulers are treated with scant respect. They become the dupes of knaves, the instruments of oppression; they imperil governments and invite disorders to enter in; they are the real enemies to human progress. In times of danger, of revolution, they constantly seek to shift their burdens upon the shoulders of others, while they obstruct the administration of law. They are impotent to resolve; they seek escape through delay; and thus invite defeat for themselves and destruction for their country. The quaint conceit applied to man in the Elizabethan age—"the wings of man's life are plumed with the feathers of death"—to mark the importance of quick resolve and vigorous execution, is equally applicable to governments. When Mr. Buchanan was brought face to face with men resolute in purpose to disrupt the Union and overthrow the government, he construed the fundamental law to be as impotent as he was in fact as the executive. He had himself played with secession when he thought it an improbability; he had armed these men with an excuse in justification years before, when, his own

success being foreshadowed, in speaking to the congratulations of his neighbors in 1856, he said that if the result had been different "we should have been precipitated into the yawning gulf of dissolution." The verdict of 1856 had been reversed in 1860, and the country was precipitated into the yawning gulf of dissolution. The four years of his administration had not restored harmony, had indeed been years of preparation for the accomplishment of revolution. He had been as clay in the hands of the plotters. He was their chosen instrument—chosen because he was incapable. He pleaded, they laughed him to scorn, they humiliated him: he remonstrated, they treated him with contempt.[1]

Imagine Andrew Jackson the executive head of the government in 1860–1. Would members of Congress engaged in the work of disunion have been welcome at the White House? Would they have bullied him? Would members of his Cabinet have plotted for the overthrow of the government with impunity, and finally have been permitted to resign to give a more active support to the work of destruction? Would forts have been left without garrisons, and public property unsecured? It is inconceivable. What Jackson was Buchanan was not. What Jackson would have done Buchanan omitted or was incapable of doing.[2] He transferred to his successor a government impaired, a country dismembered, over which were discernible the dire portents of civil war.

Mr. Lincoln left his home on the 11th of February for

[1] The President sent Caleb Cushing to confer with Governor Pickens of South Carolina and to plead with him. The Governor replied that there was no hope for the Union, and that "so far as I was concerned I intended to maintain the separate independence of South Carolina, and from this purpose neither temptation nor danger should for a moment deter me."

[2] What General Jackson would have done under the circumstances of 1860 may be inferred from the language of a remarkable letter written by him May 1, 1833, to the Rev. Andrew J. Crawford, a clergyman in a slaveholding State. The letter came to the hand of Mr. Sumner, who made it public December 10, 1860:

"WASHINGTON, May 1, 1833.

"MY DEAR SIR: . . . I have had a laborious task here, but nullification is dead; and its actors and courtiers will only be remembered by the people to be execrated for their wicked designs to sever and destroy the only good government

Washington. His journey, which included public receptions in the cities of Indianapolis, Cincinnati, Columbus, Cleveland, Pittsburg, Buffalo, Albany, New York, Trenton, Philadelphia and Harrisburg, was of the greatest importance to the incoming administration at this period of doubt and anxiety. Mr. Lincoln was without experience in the administration of public affairs, and many distrusted his ability to deal with questions of greater magnitude than had ever confronted the American people. These embraced the opportunity to see him, to study his face, to hear his voice, to resolve their doubts if possible in his presence. The ordeal was severe, but Mr. Lincoln bore it with such inspiring calmness, with such natural dignity, with such wonderful tact, as to banish all distrust and leave confidence in its place. During these twelve days of trial he did not utter a word which he could wish to recall, he did not fail to leave the impression that would prove most serviceable. The most gifted statesman of the world, with all of the culture and self-command derivable from long experience in affairs, would probably have failed where Abraham Lincoln succeeded without apparent effort.

There was an apprehension in the West that peril would attend the inauguration of Mr. Lincoln. Nothing, of course, was known here of the treasonable preparations at Baltimore, but threats of violence were rife, and created a feeling of uneasiness. Many young men—perhaps two or three hundred—quietly left Cincinnati and other Western cities for Washington, to tender their services to General Scott. The episode of the night ride through Baltimore, now familiar to all, only

on the globe, and that prosperity and happiness we enjoy over every other portion of the world. Haman's gallows ought to be the fate of all such ambitious men, who would involve their country in a civil war, and all the evils in its train, that they might reign and ride on its whirlwinds and direct the storm. The free people of these United States have spoken, and consigned these wicked demagogues to their proper doom. Take care of your nullifiers, you have them among you; let them meet with the indignant frowns of every man who loves his country. The tariff, it is *now* known, was a mere pretext, and disunion and a *Southern confederacy the real object. The next pretext will be the negro or slavery question.* . . .

"ANDREW JACKSON."

increased the tension. When Mr. Lincoln had taken the oath of office and had been duly installed in the executive mansion, there was a grateful sense of relief throughout the country. The scene was made familiar to all by the press—the courteous attentions of Mr. Buchanan, whose day of freedom had at last come; the administering of the oath by Chief Justice Taney in the presence of Mr. Douglas, the famous political rival of the new President, and of Senators who had already elected to unite their fortunes with Jefferson Davis, president of a new confederacy. After all these years, after the happy restoration of the Union without any distinctive sectional interest to be the sport of ambitious men, one's thoughts turn to Douglas rather than to Lincoln, the central figure—to Douglas, the unequalled party leader, the brilliant debater, the aspiring politician. What were his reflections on that occasion? Did he forgive the ingratitude and personal animosity of the retiring President? Was he free from any sense of envy when he congratulated the incoming President? The one execrated by his fellow citizens and longing to be at home in safe retirement; the other taking up a burden more grievous than had fallen to the lot of any man since the days of William the Silent: would he have changed places with either? Looking back over the events of 1854, his personal act opening a new Pandora's box, his countrymen now in hostile array, the future threatening, but impenetrable, he might have repeated to himself the words of Byron:

> The thorns which I have reaped are of the tree
> I planted ; they have torn me and I bleed.
> I should have known what fruit would spring from such a seed.

The receptions, the office-seeking and the ingenious speculations as to influences and policies by the newspaper correspondents—the accompaniments of every change in executive control—were not lacking in the beginning of the first Republican administration, but these had their brief hour and do not concern us. The conditions which confronted Mr. Lincoln, the steps which he took to save the Union, alone are important.

Mr. Seward, early chosen for the Department of State, had been in a delicate and trying position during the closing session of the Thirty-sixth Congress. His every movement was watched; his words were studied to detect a trace of the policy of the incoming administration. Appealed to on every hand to say something to stay the threatened disruption, he finally addressed the Senate January 12th, on "The State of the Union." The speech was eloquent, and during the delivery of portions of it Senators were in tears. The value of the Union was shown to be inestimable; its preservation, an obligation resting upon all of the American people—a people having practically only one language, one religion, one system of government, and manners and customs common to all. Dissolution meant perpetual civil war. All questions of difference ought to be submitted to the ballot, and the decision cheerfully acquiesced in. He believed that calmness, coolness and resolution, elements of American character which had been temporarily displaced, were reappearing, and that, soon enough for safety, it would be seen that sedition and violence were only local and temporary, and that loyalty and affection to the Union were the natural sentiments of the whole country. He suggested, rather than proposed, concessions as remedies, but evidently thought that after time had been given for reflection a convention of the States would succeed in restoring a state of peace and concord. Later developments did not lessen Mr. Seward's optimism. His policy was to gain time for the new administration to organize, and for the frenzy of passion to subside.[1]

The tone of Mr. Lincoln's inaugural was not unlike that of Mr. Seward's speech. He disclaimed on behalf of himself and of the majority any purpose to interfere with the institution of slavery in the States cherishing it, or doing any act except in strict conformity to the Constitution and the laws of the land. Evidently he thought that the Southern people, disabused of their apprehension, would take time to think calmly and well upon the whole subject, and that deliberation would surely

[1] *Seward at Washington*, vol. ii., p. 497.

stay disunion. Dwelling upon the benefits of the Union, which was older than the Constitution, he was led by a logical process of reasoning to speak of the practical difficulties in the way of the American people living under two distinct governments. "Physically speaking," said he, "we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them." The different parts of the country must remain face to face, and intercourse, either amicable or hostile, must continue between them. "Is it possible then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends?" No other had presented this view so forcibly before. Consideration was given to differences, and their settlement referred to a convention of States, a mode distinctly constitutional.

The secession dogma that the Union was a league of States which might be dissolved at any time by a part was successfully controverted. It was Mr. Lincoln's opinion that the Union is perpetual. "If the United States be not a government proper, but an association of States in the nature of contract merely, can it as a contract be peaceably unmade by less than all the parties who made it?" Clearly not. "No State upon its own mere motion can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances." Considering the Union unbroken, Mr. Lincoln declared his purpose to execute the laws faithfully in all the States. In doing this there need be no bloodshed or violence, and there should be none unless it was forced upon the national authority. The duty of the President was to hold, occupy, possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what might be necessary for these objects, there would be no invasion, no using of force against or among

the people anywhere. Thus there was a national citizenship with distinct obligations as well as a State citizenship.

At Montgomery was a government founded upon a different theory, exercising control over a number of States, with the apparent consent of their citizens. Thus two governments, maintaining antagonistic principles, stood face to face, and collision was inevitable. At this time the Montgomery government represented only one-fourth of the free population of the slave States, but two-thirds of the entire slave property. Could the remaining slave States be induced to join? Delaware had already decided to remain in the Union. Governor Hicks of Maryland was resisting all revolutionary attempts. Virginia, Tennessee, Arkansas and Missouri showed Union majorities on the popular vote. Kentucky was held in a condition of neutrality, but the strength of the Unionists in the Legislature was sufficient to defeat the intrigues of the secessionists. Violence and intimidation and intolerance might work a change in some of these, but for the present the laws of the United States were enforced within their limits.

It was Mr. Lincoln's aim to influence these States finally to reject secession, and to become a power in the restoration of the Union. He wished to appoint some one of distinction in North Carolina or Virginia a member of his Cabinet, but all offers were rejected. His Cabinet as finally constituted included representatives from two border States. On the 5th of March his nominations were confirmed by the Senate, as follows: William H. Seward of New York, Secretary of State; Salmon P. Chase of Ohio, Secretary of the Treasury; Simon Cameron of Pennsylvania, Secretary of War; Gideon Welles of Connecticut, Secretary of the Navy; Edward Bates of Missouri, Attorney-General; Montgomery Blair of Maryland, Postmaster-General; Caleb B. Smith of Indiana, Secretary of the Interior. These selections fairly represented the Whig and Democratic elements out of which the Republican party had been formed. The selection of Mr. Chase was of vast importance, as upon the successful administration of the finances the fate of the Republic depended in a large degree. If war

followed it could not be carried on without an ample supply of money. The contentment of the people, the first requisite in the support of a government in time of revolution, could be secured only by a wise regard to all business interests, which were so intimately connected with the Treasury Department. The purity of Mr. Chase's character and his administrative ability were universally recognized, and his selection secured the confidence of the business and moneyed men of the country.[1] It also gratified the more radical Republicans represented by Mr. Sumner and the more moderate class of Democratic origin represented by Judge Trumbull. During the early stages of agitation these had stood against all compromises—"Inauguration first, adjustment afterwards," said they.

Mr. Chase, in the Peace Congress, referring to the execution of the fugitive act as a real but not insuperable difficulty, suggested that provision might be made for non-performance. The right of reclamation being established, "instead of a judgment for rendition, let there be a judgment for compensation, determined by the true value of the services and by the same judgment assure freedom to the fugitive. The cost to the national Treasury would be as nothing in comparison with the evils of discord and strife." This would have met with general acceptance. The North had passed through Congress and caused to be transmitted to the States an amendment to the Constitution, numbered the Thirteenth, which if properly ratified would have precluded forever any action of Congress adverse to the perpetuation of slavery in States cherishing it. The North had also passed through the House the conciliatory resolutions reported by Mr. Corwin, and had shown a willingness in the organization of new territories to omit all reference to slavery, and to leave the South in full possession of all the rights accruing to her from the federal Constitution, as expounded in the Dred Scott decision.[2] Thus had the North shown a disposition entirely friendly and conciliatory.

[1] Mr. Chase had been an active director of the Lafayette Bank of Cincinnati for ten years, and the solicitor of the bank for nearly the same period of time.

[2] Greeley's *The American Conflict*, vol. i., p. 405.

What had the South done in return? Nothing of a fraternal nature. Her attitude was that of requiring the acceptance without qualification of the Southern—or Calhoun—theory of the powers of the Constitution, which held the Union to be a mere alliance of sovereign States from which any State might withdraw at will.[1] The effect was expressed in the inaugural address of Jefferson Davis when he said that antagonisms would and *should* result in separation. Engagements undertaken with a reservation would not be likely to insure a stable government, and security in established law and order is the first requisite for the peace and happiness of a people. The South —the South represented in the Montgomery government—had also, even before States had passed ordinances of separation, seized forts, custom-houses, revenue cutters, arsenals and other property belonging to the general government; had, in a word, expelled the federal authority from those States, without the knowledge or consent of the general government —thus assuming from the start a hostile attitude.

The appointment of Charles Francis Adams as Minister to England, William L. Dayton to France, Carl Schurz to Spain and Thomas Corwin to Mexico showed the solicitude felt by the President and the Secretary of State as to our foreign relations.

What should be the policy of the government as to the forts was the most embarrassing question that confronted Mr. Lincoln on the 4th of March. Of all of the expensive structures guarding the Southern coasts there remained to the government of the United States Fortress Monroe, the forts on the Keys, Fort Pickens at Pensacola and Fort Sumter in Charleston harbor. *The Star of the West*, sent in January to carry supplies to the last, had been fired upon and compelled to withdraw. Should an attempt be made by the new administration to send relief to it, or should Major Anderson and his force be withdrawn? The policy of the Buchanan administration had left these forts ill supplied and guarded, while the

[1] And yet the powers of the States never embraced the requisites of nationality: not one had ever been recognized as a nation.

military aggressions of South Carolina and Florida rendered their situation daily more and more precarious. Formidable batteries had been erected on land so as to command the approaches to Sumter and Pickens and to threaten their reduction. General Scott advised their evacuation as a necessary result of the situation. It was estimated that to relieve Fort Sumter would require ships and an army of twenty thousand men. The ships of the navy were dispersed in foreign waters; there was no military force available. The garrison of Fort Sumter had provisions for a month perhaps, and if not relieved soon would be compelled to surrender to their fellow countrymen who confronted them on every side as armed foes.

The commissioners appointed by the Montgomery government during the last fortnight of Mr. Buchanan's administration to negotiate for the surrender of the forts in the South yet remaining to the federal government, had not been received by Secretary Seward, but no whit discouraged they solicited the good offices of Justice John A. Campbell, who was about to resign from the Supreme Bench and return home to Alabama to share the fortunes of his State. Mr. Campbell was not friendly to the secession movement, but he entered upon negotiation with the ardent hope that he and Mr. Seward, whose influence with the administration was believed to be paramount, might be able to agree on a policy that, in the expressive language sometimes used to beguile the American Indian, should keep the chain of friendship bright. It was known that Mr. Seward was for peace, and when in perfect good faith he confided to Mr. Campbell the information that Major Anderson and his little band would be withdrawn from Fort Sumter and that at all events supplies would not be sent forward without previous notice given to the Governor of South Carolina, the authorities at Montgomery anticipated a peaceful termination of their enterprise. They were disappointed, and affected to have been deceived. In his narrative Jefferson Davis refers to these diplomatic transactions in bitter words: "How this effort [at negotiation] was received, how the commissioners were kept waiting, and while fair promises

were held to the ear how military preparations were pushed forward for the unconstitutional, criminal purpose of coercing States, let the shameful record of the transaction attest." [1]

The record shows that the President and the Secretary of State hoped for peace ardently, planned for it, and strove for it in all ways consistent with their constitutional obligations, pursuing their purpose with such persistence as to threaten the alienation of their political friends. The Cabinet was sharply divided as to policy. Montgomery Blair, a Jacksonian, would reinforce the forts and enforce the laws aggressively. The President and the Secretary of State shared in the belief that the avoidance of irritating acts as to Sumter and the display of an amicable spirit towards the border States would hold them to the Union. To George W. Summers of Virginia was tendered a seat on the Supreme Bench of the United States, but Mr. Summers was coy, and Virginia was at the mercy of the political influences which had controlled her destiny for fifty years. New civil officers were appointed for Key West to assist Judge Marvin, the loyal judge of the District Court, and the force in Fort Pickens was increased to eleven hundred men, soldiers and laborers, thus making secure the finest port and naval station in the South. Finally after due deliberation the President decided to attempt to convey supplies to Major Anderson. Captain Fox was commissioned to execute the order. Meanwhile, in faithful observance of the promise given, a special messenger was sent to notify Governor Pickens of the government's decision. The responsibility of peace or war was placed upon Jefferson Davis and his Cabinet. All the while they had been erecting hostile batteries and arming troops they talked of peace and besought the border States to help them keep it by renouncing their allegiance to the federal government, which suggested as an apt commentary the words of Tybalt—"What, drawn and talk of peace!"

"We are prepared for the dangers of peace, or the dangers of war," said Jefferson Davis, at this period. What were the

[1] *Rise and Fall of the Confederate Government*, vol. i., p. 247.

dangers of peace? A return of States to the Union, a restoration of cordial relations between the people of the sections and an abandonment of the doctrine of secession. There were those who sincerely wanted peace regardless of the fate of political theories. But in times of revolution the voice of the man who wears a bold countenance bears down the wise counsels of the messenger of peace. One of these fiery spirits, addressing the people of Charleston, said: "Do not distrust Virginia. I will tell you, gentlemen, what will put her in the Southern confederation in less than an hour by Shrewsbury clock—strike a blow. The very moment that blood is shed, old Virginia will make common cause with her sisters at the South."[1] And about the same time, in the office of the Secretary of War at Montgomery, another of the same class warned the secretary in these words: "Sir, unless you sprinkle blood in the face of the people of Alabama they will be back in the old Union in less than ten days."[2]

Would the North resent a blow? Would the thrifty Yankees, would the Democrats of New York and the Northwest permit a war to be prosecuted for the Union? There were Southern leaders who believed that if Mr. Lincoln attempted coercion half the North would refuse support and he would be compelled to resign. Mr. Lincoln was anxiously pondering the chances. Mr. Douglas's course in the Senate during the first days of the special session caused embarrassment and no little anxiety. His criticism that the administration had no fixed policy, and his persistency in attempting to force it to consent to the abandonment of the public property in the Southern States, were calculated to mislead the people into a belief that it was possible to recall to duty peaceably the States that had already seceded, by yielding to their demands. His irritating speeches finally provoked a rebuke from Mr. Wilson, unusually animated and severe, which served a good purpose. Mr. Douglas had a larger personal following than

[1] Charleston *Mercury*, April 11th. The speech was by Roger A. Pryor of Virginia.

[2] McPherson's *History*, p. 113.

any other party leader of the day. His friends believed in him, adored him, and followed wherever he led, confidently, unhesitatingly. If he had taken ground in opposition to the policy of considering the seceded States as still within the Union and amenable to the laws of the federal government the result would have been serious, perhaps disastrous. When the time came for decision his loyalty to country rose superior to party. It was a decision that carried great strength to the administration, and that for a time practically obliterated party distinctions.

The character of the people of the North was better understood by Robert Toombs than by his chief, and in a Cabinet meeting at Montgomery he gave his counsel against an assault upon Fort Sumter. "Mr. President," said he, "at this time it is suicide, murder, and will lose us every friend at the North. You will wantonly strike a hornets' nest which extends from mountains to ocean, and legions, now quiet, will swarm out and sting us to death. It is unnecessary; it puts us in the wrong; it is fatal." [1] The hot spirits triumphed. The decision was war. Instructed by the confederate Secretary of War, General Beauregard on the 11th of April demanded the immediate evacuation of Fort Sumter. As Major Anderson refused to comply, early on the morning of the following day the first hostile gun of the Civil War was fired from the howitzer battery on James Island. The defence was a gallant but hopeless one, and after thirty-six hours, the quarters being burnt, the main gates destroyed by fire, the walls seriously injured and the magazine surrounded by flames, Major Anderson accepted the terms of evacuation offered by General Beauregard and marched out on Sunday the 14th, "with colors flying and drums beating, and saluting the flag of the Union with fifty guns." [2]

The effect was what General Toombs had predicted. The grave and quiet North was instantly transformed into a scene of activity and wild excitement, which assumed the character

[1] *Robert Toombs, Statesman*, etc. By Pleasant A. Stoval, p. 226.
[2] *National Intelligencer*, April 20th. Despatch from Major Anderson.

of patriotic enthusiasm when the President's call for seventy-five thousand three-months' men, followed upon the heels of the announcement of the evacuation. The great cities, every town and village and country district sent words of cheer and encouragement to the administration, while before all others Massachusetts despatched a regiment to protect the capital. Ten days after Sumter had fallen a monster mass meeting was held in Union Square, New York, which, whether as respects numbers in attendance or influence on the destiny of the country, was the most remarkable and important gathering of the people ever held in America. General Dix, Daniel S. Dickinson and other conspicuous Democrats set such an example of loyalty as will prove an inspiration for all time. The meeting, said Edwin M. Stanton, delighted, "has become a national epoch; for it was a manifestation of patriotic feeling beyond any example in history." And he adds: "The uprising of the people of the United States to maintain their government and crush rebellion has been so grand, so mighty in every element, that I feel it a blessing to be alive and witness it."

The guns in Charleston harbor roused into activity Stephen A. Douglas. It was in the city of Charleston that the Democratic party had been disrupted to prevent his nomination, and the attack on the American flag was but another act in the general movement of destruction following the loss of political power. Leaving Washington for home in the latter part of April, he spoke to great crowds of anxious people at different points, advising all to forget party differences and to support the government. "Every man must be on the side of the United States or against it," said he. "There can be no neutrals in this war." He made direct for the capital of his own State, where his own followers in the Legislature were causing anxiety to the State authorities by their attitude. The State Senate when organized contained twelve Democrats to thirteen Republicans, but two of the latter had been appointed to office by Mr. Lincoln. The Democrats were thus left in the majority, and they gave no indication of

what they would do. Senator Blodgett was pressing war appropriations, but the Democrats delayed action. He invited them to his room for consultation, but they were dumb on the vital issue. All were expectant of decisive action when Mr. Douglas should arrive, and all without distinction of party went to the station to greet him. He invited the Democratic members of the Legislature to meet him at his hotel, and when he had them by themselves he flamed out at them indignantly for their lack of appreciation of their responsibilities. Were the Republicans the only patriots, and were they to sweep the country before them? It was the duty of Democrats to stand by their country and to lead in its support. The scolding worked a revolution, and the following day a Democrat moved to proceed with the appropriation bill and henceforth there was no lack of zeal.[1] Mr. Douglas, on invitation, addressed the Legislature in a speech of great power, and then proceeding homeward spoke at Chicago for the last time, May 1st. On the 3d of June he died at the early age of forty-eight years, universally lamented. These last words to the public have a breadth of patriotism worthy of the noblest statesmanship, and they are pertinent in every time of stress:

Whoever is not prepared to sacrifice party organizations and platforms on the altar of his country does not deserve the support and countenance of honest people. How are we to overcome partisan antipathies in the minds of men of all parties so as to present a united front in support of our country? We must cease discussing party issues, make no allusions to old party tests, have no criminations and recriminations, indulge in no taunts one against the others as to who has been the cause of these troubles.

When we shall have rescued the government and country from its perils, and seen its flag floating in triumph over every inch of American soil, it will then be time enough to inquire as to who and what has brought these troubles upon us. When we shall have a country and a government for our children to live in peace and happiness, it will be time for each of us to return to our party banners

[1] *MS.* Conversations with Hon. Henry W. Blodgett.

according to our own convictions of right and duty. Let him be marked as no true patriot who will not abandon all such issues in times like these.

But there was not lacking a covert opposition inspired by party feeling, or by a secret sympathy with rebellion calculated to embarrass the administration. The call for seventy-five thousand men was criticised as an unnecessary display of power. For what purpose were they to be employed? To protect the capital? A few thousand would suffice for that purpose. For the subjugation of the South? That was preposterous, for no such subjugation was possible by any number of troops. The assembling of such formidable numbers was a menace to the liberty of the citizen. We shall find this discordant note continued through to the end.

The means for national defence had to be created—an army, a navy and munitions. More than all, the Treasury, which since 1857 had been in a state of bankruptcy, had to be re-established. The first step had been taken by the Thirty-sixth Congress in its closing days, in passing what is known as the Morrill tariff. It had not yet taken effect and its possibilities were unknown, nor had any well-defined financial policy been adopted to restore the national credit, which, during the Buchanan administration was so low that money could be procured to carry on the operations of the government only by paying double rates of interest. Yet the United States possessed in its Constitution,— in the interpretation which the Unionists gave to it,—in the orderly and industrious character of the people, the soundest basis for public credit that a nation could have. The Southern confederacy presented a striking contrast to this. Admitting the right of secession, it offered only a shifting and uncertain basis of political organization, whose guarantees in the money markets of the world were certain to be held cheap. It had but a single crop to build upon and that could not supply what the fundamental law lacked—stability. Then the greatest growth had been in the Northern section. The rate of increase in popula-

tion in the Southern section in the decade ending June, 1840, was twenty-five per cent., and in the Northern section about thirty-nine per cent. In the decade ending in 1850 it was nearly thirty-two per cent. in the South, and nearly forty per cent. in the North. In the decade ending in 1860, it was twenty-seven per cent. in the Southern, and forty-one per cent. in the Northern section. The increase in the Southwestern States was due to emigration carrying with it slave labor; in the Northwestern and Pacific States, to a movement of intelligent and thrifty classes from the older States and Europe, who carried with them the institutions of free society.

This society was founded upon the principles which the Puritan carried with him to the bleak shores of New England. It had been liberalized by culture, by intercourse with the world which the facilities for travel invited, and by the necessity of absorbing new elements. The Puritan policy of building churches and schoolhouses side by side had been continued over the vast territory extending to the Missouri River, as communities were organized into States, and at last it found lodgment on the shores of the Pacific. Massachusetts, with a million of inhabitants, devoted five millions of dollars annually to public instruction, and newer States paid with great cheerfulness whatever sums were necessary to secure good common schools. With education went greater freedom of opinion, a constantly increasing toleration and lessening of political animosities. The period from 1835 to 1860 had been one of great intellectual activity in the North. It was the period when the influence of the lyceum lecturer was greatest, and during which was witnessed the soundest growth of our national literature—when the genius of Irving and Paulding, of Cooper and Hawthorne met with generous appreciation; when the people read the lessons of history in the pages of Hildreth, Prescott, Bancroft and Motley; when their consciences were quickened by Channing, Emerson and Whittier, and the men of imagination—Bryant, Longfellow, Lowell and Holmes—commanded their allegiance. The writings of these developed character, promoted sound thought and a purer life, and

instructed in the grave responsibilities as well as the privileges of citizenship. The hour of trial between this progressive civilization and another, an aristocracy, was sure to come sooner or later.

This society was now to undergo two very severe tests. Wholly occupied with civil pursuits, there was a lack of military training. Among the German citizens, however, were found thousands who had been trained to arms in the Fatherland, and these supplied in a measure what was wanting.

The second test was much more serious. A people wholly unaccustomed to the pressure of taxation, who had learned from the maxims of Franklin to dread debt as the beginning of political decay, was to be suddenly subjected to both. If the curtain could have been pulled aside disclosing the appalling figures of the future, without revealing the enormous resources of the country at the same time, would the administration have been permitted to enforce the laws to the extent of coercion? It is extremely doubtful. The full powers of the people were developed by degrees. With reluctance Mr. Chase dealt with the financial problem made more difficult by the loss of credit during the Buchanan administration. In the middle of December, when the incubus of that ill-fated administration still overshadowed the country, United States fives due in 1865 were selling in New York for ninety-two cents on the dollar, and coupon bonds of 1871 at eighty-five cents. The total public debt July 1, 1857, was $11,350,272; July 1, 1858, $38,512,461; July 1, 1859, $54,415,393; and July 1, 1860, it was $61,140,497. This rapid increase was during years of peace. Large additional loans were required to carry on the government under Mr. Buchanan, and pay extraordinary expenses incurred during the first three months of Mr. Lincoln's administration, so that by July 1, 1861, the total public debt had increased to $90,867,828. With this load upon his shoulders and a balance of only $2,355,635 in the Treasury, Mr. Chase prepared to face a state of war, to meet the insatiable demands of every department—with foreign governments incredulous of the ability of the United

States to deal with the problem. His first step was to improve the public credit. He found that under the acts of June 22, 1860, and February 8 and March 2, 1861, there was authority to negotiate loans aggregating $40,964,000. By a display of great firmness he brought the rates up from 85 to par. This was the situation when the Thirty-seventh Congress convened, under the President's proclamation, July 4, 1861.

While the response of the North to the President's proclamation for troops was the revelation of a profound sentiment of loyalty, the replies from most of the border slave States were an expression of sympathy with secession. "Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States," was the reply of Governor Magoffin, while Governor Jackson of Missouri was sure that the requisition was "illegal, unconstitutional, revolutionary, inhuman and diabolical." These statesmen of the State rights school could find no constitutional authority to justify the federal government in defending itself against rebellion. Mr. Lincoln and Cassius M. Clay were in favor of testing the question by employing the military power for that purpose, and the loyal people of the country met every requisition of the executive. The policy of sympathizers in official places was to paralyze the administration and give time to the Montgomery government to seize the city of Washington and establish itself in the Capitol and the departments. This was the general expectation. Immediately after the call for troops North Carolina and Arkansas seceded and joined the Confederate States. As the people of Virginia and Tennessee had declared for the Union by large majorities, the politicians in control of the State governments found a way to defeat the popular will. By legislative authority military leagues were formed with the Confederacy, which permitted confederate troops to take possession of the States until ordinances of secession could be submitted to the people for ratification.[1] What part the people—the Union majority—were expected to take by those who

[1] Virginia acted April 17th, Tennessee May 7th. Alexander H. Stephens was the agent to convince Virginia of its duty, and Henry W. Hilliard of Alabama

planned the treaties with the confederate government, was disclosed later by Senator J. M. Mason of Virginia.

If the people should vote to annul the provisional ordinance of secession, Virginia would remain in the Union and be compelled to aid in the work of coercing the rebellious States; and the league would prove to be a trap to inveigle her generous defenders from South Carolina, Georgia, Alabama, Louisiana and Mississippi, several thousand of whom were at Harper's Ferry and Norfolk, to fulfil the covenant that had been made. Should Virginia remain in the Union, her duty would be to deliver up those generous friends to the Union army. What were those citizens of Virginia to do who in their consciences could not vote to separate Virginia from the Union? The reply, as showing the agency the people had in this business —their freedom of choice—is of historical importance: "*Honor and duty alike require that they should not vote on the question; and if they retain such opinions they must leave the State.*" And this is how the Old Dominion and the Union State of Tennessee were coerced to take sides with the Gulf States. Their citizens were found in both armies and the power of Virginia was permanently divided—to the relief of the inhabitants west of the Blue Ridge. But to Ohio and not to the free consent of the tide-water district did they owe their release from an intolerable association.

Maryland was immediately the scene of chief interest. She occupied the routes to the national capital. If these could be closed, the North would be shut out and Washington would soon fall before the armed power of the Confederacy. This was well understood by both sides, and both played for the stake. The Montgomery government, being prepared, moved with greater celerity. The treaty with Virginia removed all obstructions, and Harper's Ferry was occupied by a consid-

was commissioned to go to Tennessee. The argument employed was, that President Lincoln had usurped the authority to make war, and proposed to march an army into the Southern States upon the ground that it was his duty to suppress an insurrection. To resist this usurpation would be to fight in vindication of constitutional liberty. See *Politics and Pen Pictures*, by Henry W. Hilliard.

erable force, which was expected to aid in carrying secession in Maryland. At Gosport navy yard were not only valuable supplies and machinery, but many ships, including the *Merrimac*, of which the federal government was deprived through a fatality which pursued it throughout the early stages of the war. Orders to remove the vessels were too long delayed, and when finally transmitted were defeated by the treachery of officers at that station by whom the ships were scuttled. An attempt was made to destroy the rest of the property to prevent it from falling into the hands of the enemy, but with only partial success. These two disasters befel while the first regiments were forcing their way through Maryland to relieve the beleaguered government. There is strong circumstantial evidence for the belief that a conspiracy had been formed after the presidential election to cause Maryland to secede, to seize Washington, the public buildings and archives, to prevent the inauguration of Mr. Lincoln, and to establish a revolutionary government which would dictate terms to the Northern section and receive recognition from foreign governments, but the refusal of Governor Hicks in January to convene the Legislature thwarted the conspiracy. Then followed the plot to assassinate Mr. Lincoln as he should pass through Baltimore *en route*, which was discovered and frustrated. Baltimore was now the centre of another plot—a return in part to the original conspiracy—to impede the march of Northern soldiers and to carry the State of Maryland over to the Confederacy despite the opposition of the loyal Governor. Some five hundred unarmed Pennsylvania militia passed through on the 18th of April unnoticed, but when on the following day the gallant 6th Massachusetts Regiment was being transferred from one station to another mobs assaulted it, wounding twenty-five —several fatally. Nine citizens were killed and several wounded. When the news reached the country at large that the militia of Massachusetts, while marching peacefully over the common highway to the defence of the national capital, had been murderously assaulted, the excitement witnessed when the flag floating over Sumter was fired upon was

renewed. "It seemed," said Governor Andrew four years later in describing this event, which occurred on the eve of the anniversary of the battle of Lexington—"it seemed as if there descended into our hearts a mysterious strength and into our minds a supernal illumination."[1] As the emergency grew, the determination to vindicate the supremacy of national authority hardened into adamant.

Resolved that no more troops should pass southward, the Baltimoreans cut telegraph wires and poles, burnt and tore up railroad bridges, refused or gave permission at will to vessel owners to depart, and comported themselves in all respects as though a state of war existed between the United States and the State of Maryland. This was not the work of an irresponsible mob, but of the Board of Police, with the coöperation of disloyal citizens. The Baltimore City Guard was employed in the work of destroying railroad bridges. Information being received that over two thousand Pennsylvania troops had arrived at Cockeysville from Harrisburg, the Police Commissioners gave orders for the assembling and arming of the volunteers and other military corps, all under the command of Major-General George H. Stuart.[2] This preparation not appearing sufficiently formidable, a proposition was made for the formation of independent volunteer companies, for the purpose of immediately meeting the invaders and driving them back, which met with favor. Hundreds of impetuous spirits left the city in wagons, carriages and other vehicles, determined to wage a guerrilla warfare with the advancing force.[3] The people in the city were in a state of the wildest excitement, services in the churches were interrupted, and the most improbable rumors fed the imagination of the mobs in the streets. The Pennsylvanians encamped at Cockeysville were found to be a peaceable and orderly body of men, who were prepared to extend friendly courtesies to those who had suddenly become their foes. Meanwhile

[1] *Sketch of the Official Life of Governor Andrew*, p. 33.

[2] Who afterwards entered the confederate service.

[3] Baltimore *American*, April 22d.

the mayor of Baltimore had been summoned to Washington for a conference, and at his earnest solicitation the President directed that loyal troops should be ordered to return to Harrisburg.

Washington, isolated and beleaguered by enemies, was in a most precarious condition. Besides the half dozen companies of the regular army, General Scott had fifteen companies of the District militia, and civilian volunteers under Cassius M. Clay and James H. Lane.[1] These were distributed so as to protect the Capitol, the department buildings and the executive mansion. Batteries of light artillery were posted to guard the bridges, and marines to guard the navy yard and wharves. Every precaution was taken to prevent a surprise, but unless Northern soldiers had forced their way through Maryland promptly the history of this country had been different. It is possible that the arrival of the five hundred Pennsylvanians on the 18th and of the 6th Massachusetts on the following day disconcerted the plans of the conspirators and prevented the enterprise of suddenly seizing the departments before confederate troops could arrive to aid in the work of expelling the Lincoln administration. It is certain that the government was in imminent danger for many days, located as it was in the midst of a disloyal population, and menaced by the treachery of subordinates and by armed foes in Virginia and Maryland.

The situation in Maryland was hourly becoming more critical. Marshal Kane of Baltimore, after the attack on the Massachusetts troops, telegraphed to Bradley T. Johnson at Frederick, "to send expresses over the mountains and valleys of Maryland and Virginia for the riflemen to come without delay," and declared his purpose to fight the Northern soldiers or die. An agent had been despatched to General Harper in command of the confederate troops at Harper's Ferry, to secure his coöperation, who received the assurance that six thousand men would march for Baltimore at a moment's

[1] See *Memoirs of Cassius M. Clay*, and Wilson's *Rise and Fall*, vol. iii., chap. xii.

notice.[1] The seizure of Fort McHenry was planned; the departure of the United States ship *Allegheny* was prevented, and the request of her commander to use a steam tug in the harbor was refused by the city government. The restoration of the telegraph wires was granted only on condition that all messages should be subject to the inspection of the Board of Police Commissioners.[2] The only wire at the service of the government was one under the control of these conspirators. In this emergency the government communicated with the loyal North by messengers despatched through Wheeling and Pittsburg, who made their way by different routes to New York and other cities. Thus situated it became necessary to clothe citizens with extraordinary power, and in New York Governor Morgan, William M. Evarts, George D. Morgan, R. M. Blatchford and Moses H. Grinnell were commissioned to represent the War and Navy Departments, to whom officers reported for instructions in forwarding troops and supplies. The Treasury Department was similarly represented by John A. Dix and George Opdyke, who acted without compensation.[3] The route through Baltimore being closed, access to Washington was had through Annapolis. The 8th Massachusetts under General Butler was the first to arrive at the harbor. The mayor of the city and the Governor objected to his landing his men, and to the passage of troops through the State. To the Governor, General Butler said in reply: "Sir, we came here not as citizens of Massachusetts, but as citizen soldiers of the United States, with no intention to invade any State, but to protect the capital of our common country from invasion. We shall give no cause of offence, but there must be no fugitive shots or stray bricks on the way."[4] It was the mission of Butler to do things and not to stand upon the order of any man. He landed his men, repaired the sole locomotive found, re-laid the railway track, and opened a route to Washington.

[1] Records of the Police Commissioners and other papers found in possession of Marshal Kane on the occasion of his arrest.

[2] *Ibid.* McPherson's *History*, p. 393.

[3] *Seward at Washington*, vol. ii., p. 551. [4] *National Intelligencer*, April 24th.

The arrival of the citizen soldiers from New York and Massachusetts gave rise to a grateful sense of relief.

Annapolis was now the gateway to the capital through which the loyal men of the North marched rapidly and without obstruction. The "Department of Annapolis" was created, which included the country for twenty miles on each side of the railroad from Annapolis to the city of Washington as far as Bladensburg. General Butler was placed in command, and soon after he was ordered to take possession of the Relay House, an important strategic point a few miles from Baltimore. General Scott was preparing to open the route to the North through that city, where a change was gradually taking place under the influence of a display of vigor by the government. On the 9th of May five hundred regulars from Texas, Sherman's regular battery from Minnesota, and other troops had been successfully transferred from Locust Point through South Baltimore, in the presence of a large concourse of people and the police force; and on the night of the 13th, during the prevalence of a thunder-storm, General Butler with a part of the famous 6th Massachusetts Regiment and other troops marched from the Relay House through the streets of Baltimore to Federal Hill, where he established his camp and raised the flag of the United States, which could be seen from every part of the city. It was a hint to the disaffected which they were bound to respect. General Butler acted on his own responsibility, and was severely censured by General Scott and others who regarded the enterprise as exceedingly hazardous.[1] It may have been reckless, but it was successful, and the people of the North applauded.

Troops came forward rapidly, communications by rail and telegraph were restored, the government was made secure, and the apprehensions of the country were at last relieved. The danger escaped had been extreme. A small force of disciplined men could have taken possession of the capital of the nation, with its archives, its treasure and buildings, and changed the history of the Republic. "Jefferson Davis could

[1] Butler's *Autobiography*.

have, and if I had been at his elbow as he once desired I should be," says General Butler, "would have attended divine service in his own pew at the church at Washington as President of the Confederacy. I know not what prevented him save his education at West Point, where the necessity of a rapid movement in warlike operations is taught in the negative." [1] There is much to be thankful for, and this escape not among the least. Amidst the countless perils which beset the government—four years in the treacherous quicksands of the Buchanan administration; the crippling of the public service through the resignations of military, naval and civil officers; the betrayal of trusts; the seizure of forts and arms, of navy yards and vessels; the isolation of the capital and its contemplated capture—there were providentially a few beacon lights. Mr. Buchanan's administration closed with a loyal Cabinet controlling the departments; an election in Maryland had placed at the head of the State a loyal man, who with the help of a brave and devoted woman [2] defeated secession. Maryland was the key to the situation, and in bringing that State under the control of the government the future course of Delaware,[3] Kentucky and Missouri was rendered less uncertain.

These communities where families were divided—son against father and brother against brother—experienced all of the misery, all of the bitterness of civil war. They were the objects of Mr. Lincoln's solicitude, who, while supporting the Unionists, was lenient toward those whose divided sympathies moved them to assume an attitude of neutrality. The wisdom of Mr. Lincoln's conservative course was vindicated by the results of the special election held in Kentucky on the 20th of June. A Union majority of more than fifty-five thousand and the return to Congress of a delegation containing only one disunionist was cause for congratulation. John

[1] Butler's *Autobiography*, p. 221.

[2] Miss Anne Ella Carroll.

[3] Sixty per cent. of the military population of Delaware served in the Union armies.

J. Crittenden, who was chosen in the Frankfort district, had early addressed the Legislature of the State in a powerful speech denouncing secession, and declaring that he would never consent to give up the Union. To his son, Lieut.-Colonel George Crittenden of the army, he wrote these words, which may be recalled for their patriotism as well as for the evidence they give of the demoralization of the time:

> Be true to the government that has trusted in you, and stand fast to your nation's flag—the Stars and Stripes—and do not resign under any circumstances without consultation with me. There have been so many instances of distinguished treachery and dishonor in the army that I would be proud to see you distinguished by exemplary loyalty and devotion to your flag and to your country.[1]

Governor Magoffin's hands were tied by a Union Legislature which refused to call a convention, and refused to trust solely to him the distribution of money and arms provided for the defence of the State. The Home Guards and State Guards were required to take an oath to support the Constitution of the United States as well as the constitution of Kentucky. But the attitude of neutrality at first assumed was gradually changed with the consent of the Unionists who had advised it, after it became evident that Simon B. Buckner, Inspector-General on the Governor's staff, was facilitating recruiting for the confederate army. The active Unionists found employment in independent organizations or in regiments recruited with the help of Governor Morton. The position of neutrality was at first assumed by Kentucky by the advice of her best-known citizens. It was a necessity of the situation. It was the only course possible, under the difficulties surrounding her, favorable to the Union. It was believed that any other course would have resulted in civil war within the State, which would have injured rather than helped the Union cause.[2]

[1] April 30, 1861. *Life*, vol. ii., p. 321.

[2] Letter of Chief Justice Robertson to Col. Alex. R. McKee, of Pulaski County June 7, 1861.

CHAPTER II

SUSPENSION OF HABEAS CORPUS—THE FIRST REPUBLICAN CONGRESS

WASHINGTON made secure, it became apparent that the government was entering on a war of much duration and of great magnitude. A blockade of the Southern ports was ordered on the 19th of April, and an order was issued providing for the enlistment of 18,000 seamen for the navy, increasing the strength of that arm to 25,600 men. A little later Mr. Lincoln called for 42,000 additional volunteers to serve three years or during the war, and added eleven new regiments, numbering 22,714 men to the regular army. The Governor of Maryland now raised four regiments for the United States service.

In a community with divided sympathies it was not surprising that while some were volunteering for the Union cause others were enlisting for the confederate. An attempt was made to stop the work of the secession agents by arrests. John Merryman, detected in enlisting recruits to go South, was arrested and imprisoned in Fort McHenry by order of General Cadwallader in command at Baltimore, who, to a writ of *habeas corpus* issued by Chief Justice Taney, replied that the President had authorized him to suspend the writ in such cases. May 27th, the Chief Justice issued a writ of attachment directing the United States marshal to produce the body of General Cadwallader on the following day, "to answer for his contempt in refusing to produce the body of John Merryman." The marshal was unable to serve the writ, and thereupon the Chief

Justice filed an elaborate opinion which declared that the power to suspend the writ was vested in Congress and not in the President, and that the arrest and imprisonment of Merryman was an invasion of the right of personal liberty guaranteed by the Constitution. If the authority which the Constitution had confided to the judiciary department and judicial officers might thus upon any pretext or under any circumstances be usurped by the military power at its discretion, the people of the United States were no longer living under a government of laws, "but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found."

This was the first of a number of cases in which the writ of *habeas corpus* was suspended. This action sharply divided public opinion independently of party associations. The American people had not ceased to be jealous of the assertion of any power encroaching on their personal liberty, and were fearful of the establishment of a precedent that might be used at some future time by an ambitious and dangerous man temporarily entrusted with official power. The principle embodied in the constitution of Massachusetts—"The military power shall always be held in exact subordination to the civil authority, and be governed by it"—has been made a part of the constitution of the other States, and may be said to be the shield of American liberty. That no person except those in actual service in the militia, the army or the navy shall be subject to or punishable by martial law, is the intent, if history speaks truthfully, of the people. General Jackson enforced martial law at New Orleans and arbitrarily sent Judge Hall beyond his lines to prevent him from issuing writs of *habeas corpus*, and excepting in this case and that of the Dorr rebellion in Rhode Island, the American people had remained free from the menace of martial law until a gigantic rebellion brought the national government in peril. The question became immediately prominent. Eminent jurists, including the President, controverted the doctrine laid down by the Chief Justice, and showed that the power authorized by the

Constitution in time of insurrection or rebellion could never be exercised effectually by Congress.

The power of suspension is designed for cases of the highest possible danger to the nation; danger which permits no delay; danger so great and so immediate that the inestimable right of personal liberty is regarded as secondary to it; and in cases where the personal liberty of individuals, in the judgment of the executive officer, endangers the public safety, it deprives them of it for a time, without legal accusation, at his instance, as the guardian of the Constitution.[1]

In 1863, Congress legislated on this subject, and gave the President power to suspend the writ anywhere in the United States. A similar suspension took place in the Confederate States. After the war, the Supreme Court decided that no branch of the government has power to suspend the writ in districts where the courts are open,—that the writ may be suspended as to persons directly involved in the war, but that the writ is still to issue, the court deciding whether the applicant came within the excepted classes or not.

Meantime the greatest activity prevailed everywhere in preparation for what all saw must be a long and doubtful contest. Thousands of patriotic men and women were devoting their time and energies to the Union cause without money consideration, and yet the business of the farm, of the shop, of the press, of the bank and of the counting-house was carried on with wonted regularity, and even more prosperously than ever before. New demands were made on human skill and energy, which were instantly met. Under the influence of these incentives to activity, of the discussions of questions arising from the new order of things, of the practical application of new in-

[1] See an important collection of the critical and controversial pamphlets of the day published by John Campbell, and C. Sherman & Son, of Philadelphia, in which are included two exhaustive papers by Horace Birney, who was one of the most conspicuous of the opponents of the Chief Justice ; see also the opinion of Attorney-General Bates, the message of the President to Congress, July 4th, the view of Prof. Theophilus Parsons in the Boston *Daily Advertiser*, June 5th, and the very able argument of Aaron F. Perry and the opinion of Judge Leavitt in the Vallandigham case.

ventions and of the discoveries of science, and of the ever-increasing intercourse between people of different communities, provincialisms became less prominent, and the intellectual horizon of the people was greatly extended. This was the beginning of a new era for every department of the press, for the telegraph and the railroad.

The status of the border States was being determined as the unity of purpose and power of the North was displayed. Governor Jackson of Missouri, scheming to carry that State into the Confederacy, by means of a convention, was defeated by the Unionists. He then formed a plan to accomplish it through military organization ostensibly for the protection of the State, but his camp at St. Louis was broken up by General Nathaniel Lyon, who compelled him to become a fugitive, and who established the supremacy of the national authority. The State convention, which had taken a recess in March, was reconvened at Jefferson City, July 22d, and proceeded by ordinance to declare the State offices vacant and to provide for new elections. All treasonable legislation was declared null and void, and on the 31st of July a provisional government was inaugurated, at the head of which was placed Hamilton R. Gamble. Thus Maryland, the western part of Virginia, Kentucky and Missouri were kept in the Union. On the other hand, the confederate government, now transferred to Richmond, was vigilant, active, energetic and determined. The great number of experienced officers who resigned from the army of the United States and took service under the confederate government gave it an immediate advantage in the work of organizing and disciplining volunteers, and in planning for the defence of the South. Fortifications were springing up on the Potomac and the Mississippi, on the Gulf and on the Atlantic coast. The delicacy that had regarded the sensitiveness of Virginia unionism, and left Harper's Ferry and the Gosport navy yard[1] with its wealth of ships, cannon and

[1] The Gosport navy yard yielded 2500 cannon of all kinds and sizes, shot, shell and other warlike missiles to a very large amount, a collection of shipbuilding and outfitting material, large and valuable, including steel plates and

marine supplies and invaluable dry-dock with inadequate protection, delivered into the hands of the enemy the means for defence at the most critical period in the history of a new government. Privateering was authorized and encouraged, and every means available employed to defeat the blockade of the Southern ports which had been proclaimed by Mr. Lincoln April 19th. The point of weakness in Mr. Davis's government was the treasury. Of men for the armies there was no lack, as the slave population furnished the labor for the cultivation of the fields, for the care of the homes and for the erection of fortifications and the drudgery of the camps.

The political revolution which Southern statesmen had predicted and professed to fear, was made complete by their own act in 1861. When the Thirty-seventh Congress assembled in special session according to the President's proclamation on the 4th day of July, each House contained a Republican majority. Andrew Johnson was the sole Senator from the seceded States, and his attitude towards the government presented a striking contrast to that maintained by the Senators from Kentucky and Missouri. John C. Breckinridge, successor to the loyal Crittenden, remained for a brief while ambassador as it were of the Southern Confederacy and then withdrew to share its fortunes on the field of battle. A few Senators, unable to divest themselves of party predilections in the presence of a danger threatening republican government, remained to embarrass the administration, but they were too few in number to defeat vital legislation. Their example, however, served to feed political animosities and to keep alive in several Northern States a party incapable of taking a broad and patriotic view of any question—a party that year after year in convention solemnly re-affirmed the doctrine of the resolutions of 1798 and 1799 as the sum of political wisdom.

iron castings ready for immediate use. In the magazine were found three thousand barrels of gunpowder and a large number of shells loaded. The ship *Merrimac*, which had been scuttled, was raised and repaired and made an effective confederate instrument in the predatory warfare on American commerce. The captured arsenals supplied the confederates with 18,650 rifles and 145,154 muskets.—Alexandria *Gazette*, April 24th.

Hannibal Hamlin, transferred from the floor of the Senate to the vice-presidency, presided over the deliberations of that body, and administered the oath to James H. Lane and Samuel C. Pomeroy as Senators from the new State of Kansas, admitted at the previous session, whose organization had brought a division in the Democratic party and radical political mutations. Historic justice was soon to be meted out to Virginia, "The Mother of Presidents," whose children, forgetting the traditions of a glorious past, had followed Senators Mason and Hunter after strange gods: Virginia was to be divided—the western part, which for a generation had protested against the slavery rule of the tide-water counties, was to be organized into a distinct community. For the present, the credentials of Messrs. Willey and Carlile as successors to Mason and Hunter, with the signature of Francis H. Pierpont as Governor, and certified by the seal of the State, were brought up for immediate consideration and, after debate, were recognized as valid, and the Senators were seated. Orville H. Browning appeared in place of the lamented Douglas, and John Sherman as successor to Salmon P. Chase, who served one day of a new term before qualifying as Secretary of the Treasury. Ira Harris succeeded William H. Seward, and David Wilmot, whose name for many years stood for a political principle, appeared in place of Simon Cameron. The able men—Sumner, Wilson, Fessenden, Collamer, Wade, Hale, Trumbull, Doolittle, Harlan, Chandler—who as a minority sustained the assaults of the majority, now for the most part engaged in rebellion, became responsible for legislation under the new order. Three of the new Senators, Sherman of Ohio, Grimes of Iowa and Anthony of Rhode Island, were destined to take high rank.

The House, which contained many men who had parliamentary experience, was organized by the election of Galusha A. Grow of Pennsylvania as Speaker, and Emerson Etheridge, a loyalist of Tennessee, as clerk. It very properly resolved to consider only subjects relating to the war—financial, military, and naval; and early showed a spirit answering to the great

popular uprising. For the first time in the history of the government the representatives of the people were called on to legislate in the midst of an armed force. On every hand were fortifications, and camps, and patrols, evidences of a state of war. From the executive mansion an early victim—Colonel Ellsworth of the Zouaves, whose zeal and genius had won him position at the early age of twenty-four—was buried with military honors. He had been shot by a rebel sympathizer after raising the American flag in place of a confederate flag over a hotel in Alexandria. This tragedy gave startling evidence of the passion working for the destruction of the government. Every act henceforth took on the sternness and gravity of a life-and-death struggle.

The message of the President was characterized by moderation of statement and that calmness of tone best calculated to inspire confidence while carrying conviction to the mind of the reader. In stating a fact, or putting a proposition, on the stump or in print Mr. Lincoln was without an equal. After describing the condition in which he found the government and the circumstances relating to the fall of Fort Sumter, he added: The insurgents

assailed and reduced the fort to drive out the visible authority of the federal Union, and thus force it to immediate dissolution. . . . Then and thereby, the assailants of the government began the conflict of arms, without a gun in sight, or in expectancy, to return their fire, save only the few in the fort, sent to that harbor years before for their own protection, and still ready to give that protection in whatever was lawful. In this act, discarding all else, they have forced upon the country the distinct issue, "immediate dissolution or blood." And this issue embraces more than the fate of these United States. It presents to the whole family of man the question, whether a constitutional republic or democracy—a government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in numbers to control administration according to organic law in any case, can always, upon the pretenses made in this case, or on any other pre-

tenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask: Is there in all republics this inherent and fatal weakness? Must a government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?

So viewing the issue, no choice was left but to call out the war power of the government and so to resist force employed for its destruction by force for its preservation.

Mr. Lincoln in a few paragraphs exposed the treachery of the sophism by which the Southern people had been deceived, viz.: "That any State of the Union may consistently with the national Constitution, and therefore lawfully and peacefully, withdraw from the Union without the consent of the Union or of any other State"; and said that it might well be questioned whether there was a majority of the legally qualified voters of any State except South Carolina in favor of disunion.

In referring to the manifestations of public sentiment, he paid this remarkable tribute to the general intelligence and genius of the American people:

It may be affirmed without extravagance that the free institutions we enjoy have developed the powers and improved the condition of our whole people beyond any example in the world. Of this we now have a striking and an impressive illustration. So large an army as the government has now on foot was never before known without a soldier in it but who had taken his place there of his own free choice. But more than this, there are many single regiments whose members, one and another, possess full practical knowledge of all the arts, sciences, professions, and whatever else, whether useful or elegant, is known in the world; and there is scarcely one from which there could not be selected a President, a Cabinet, a Congress, and perhaps a court, abundantly competent to administer the government itself. Nor do I say this is not true also in the army of our late friends, now adversaries in this contest; but if it is, so much better the reason why the government which has conferred such benefits on both them and us should not be broken up.

The President asked that Congress would place at the control of the government at least four hundred thousand men and four hundred millions of money, and concluded with these solemn words:

> He felt that he had no moral right to shrink, or even to count the chances of his own life, in what might follow. In full view of his great responsibility, he has so far done what he has deemed his duty. You will now, according to your own judgment, perform yours. . . . And having thus chosen our course, without guile and with pure purpose, let us renew our trust in God, and go forward without fear and with manly hearts.

The debate in both Houses on the message is of historical importance as showing clearly the views of different classes in the great upheaval of the time. Mr. Jefferson on the occasion of the purchase of Louisiana,—the most memorable act of his administration,—believing that the Constitution did not confer upon him any such power, hinted at asking for an enlargement of power from the nation. This was privately done in correspondence with friends. But he asked Congress to ratify the treaty "in silence." "Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty." Mr. Lincoln's method was in marked contrast. He resorted to extraordinary measures to meet extraordinary difficulties, but all were fully explained to Congress and to the country. The people, indeed, approved, when the measures were taken. But while the majority in Congress were willing to approve the acts of the executive, performed as they were under a sense of the highest responsibility to the country, they did not respect the President so little as to pass by in silence the principles involved; nor did he expect it. The meaning of the example of Pym and Hampden, the fame of which resounds throughout the ages and vivifies Anglo-Saxon governments, was well understood by him.

The President had put forth his hand to save the country,

not to overthrow its liberties. He asked the Congress to approve and declare to be in all respects legal and valid:

His proclamation calling for seventy-five thousand men to suppress insurrectionary combinations; his proclamation setting on foot a blockade of certain ports; his proclamation establishing a blockade of the ports within the States of Virginia and North Carolina; his act authorizing the suspension of the writ of *habeas corpus* between Philadelphia and Washington; his proclamation calling for additional volunteers and increasing the regular army and navy; his act authorizing the suspension of the writ of *habeas corpus* in Florida.

A conference among Senators resulted in an agreement to oppose any permanent increase of the regular army and navy. It was evident that the Anglo-Saxon jealousy of a standing army was as alert in the presence of a force menacing the government as in time of peace. Mr. King of New York moved a proviso that within six months after the authority of the government should be established in the insurrectionary States, the army should be reduced to the numbers authorized by law on July 1, 1861. The generous rallying of the people, with blood and treasure, at a moment's call, said Mr. Hale, demonstrated that there was no great necessity for standing armies in this country. Mr. Baker would give the President a million of men, the whole revenue of the government and the whole property of the people, and say:

> Do not make peace until the glory of the American flag shall be its own defense; when a volunteer drummer boy shall be able to carry it in every city and in every wilderness wherever it has once floated, amid the enthusiasm, the submission and profound reverence of every man, woman and child who gazes upon its stars. When that hour shall come we want no army.

It was contended that the power to increase the regular army was in Congress alone; that the call by the President at the time it was made was unnecessary; and it was believed that the suspension of the writ of *habeas corpus* was a dangerous precedent. It was proposed to declare legal the acts

which had been done by the President in the recess of Congress. Would such declaration, asked Mr. Trumbull, make them legal if they were not legal? Would it make them so if they were unconstitutional and void? He was disposed to give the necessary power to the administration to suppress the rebellion; but he was not disposed to say that the administration has unlimited power and can do what it pleases after Congress meets. He favored conferring certain powers upon the executive by legislative enactment.

Mr. Sherman would vote heartily to approve the first three enumerated acts of the President, and he believed them legal and constitutional; but he did not believe the President had the power to suspend the writ of *habeas corpus*, because that power was expressly given to Congress alone. And he believed that the power to increase the regular army was given by the Constitution to Congress alone. Yet, he added, he believed the President did right. "He did precisely what I would have done if I had been in his place — no more, no less; but I cannot here in my place as a Senator, under oath, declare that what he did was legal, and in consonance with the provisions of the Constitution."[1] The object of the resolution was secured by making it a clause in a bill conferring certain powers upon the President.

Professions of love for the Union in the mouths of Senators and members who were engaged in the treasonable work of obstructing the government scarcely served to conceal the purpose in their hearts. One of these, Burnett of Kentucky, when asked if he would vote for a volunteer force to put down the rebellion, replied: "Not for one man," which invited this comment from a fellow Democrat[2] who soon after joined the Union forces in the field:

[1] *Cong. Globe*, Special Session, Thirty-seventh Congress.

[2] Mr. McClernand of Illinois. The worst obstructionists were Burnett and Vallandigham of the House, and Senators Breckinridge and Powell of Kentucky, Polk and Johnson of Missouri. Burnett, Breckinridge, Polk and Johnson soon after entered the confederate service. Vallandigham not having the manliness to do that, was expelled from Ohio in 1863, after having caused great mischief.

When the gentleman from Kentucky took his seat upon this floor, he took upon himself a sole obligation, sanctioned by an oath in the sight of the country and before God, that he would support the Constitution. Can he do so by folding his arms while the batteries of rebellion are levelled at the capital? Is that the way he proposes to discharge his obligation?

Senator Breckinridge declared that he would not pledge the resources of the Union to support the Constitution by war, as in his judgment it would have the contrary effect.

On another occasion—it was after the first battle of Bull Run—during the consideration of "a bill to suppress insurrection and sedition," the Senator from Kentucky spoke his sentiments with greater plainness, which led to one of the most dramatic incidents ever witnessed in the Senate.

Nothing but ruin [he exclaimed], utter ruin to the North, to the South, to the East, to the West, will follow the prosecution of this contest. You may look forward to innumerable armies; you may look forward to countless treasures—all spent *for the purpose* of desolating and ravaging this continent; at the end leaving us just where we are now. We have separation now; it is only made worse by war, and an utter extinction of all those sentiments of common interest and feeling which might lead to a political reunion founded upon consent and upon a conviction of its advantages. Let the war go on, however, and soon, in addition to the moans of widows and orphans all over this land, you will hear the cry of distress from those who want food and the comforts of life. The people will be unable to pay the grinding taxes which a fanatical spirit will attempt to impose upon them. Nay, more, you will see *further separation.*[1]

The Senator predicted that the Pacific States would withdraw, that New England would separate from the Northwest and within two years there would be four confederacies. This was not worse than had been heard in the Senate before. Earlier in the session, Senator Powell had drawn an even darker picture. He had described a limitless debt with an inadequate revenue; commerce ruined, every material interest

[1] *Cong. Globe*, Special Session, Thirty-seventh Congress, p. 377.

destroyed, people thrown out of employment, the workshops closed, the shipping rotting, every art calculated to make people great, free, prosperous and happy prostrated. "You may sack cities," he continued, "you may burn houses, you may cut throats for twenty years, and you will never reinstate States and reconstruct and reform the Union by that course." [1]

All this had been borne with as something expected from Powell, but Breckinridge stood in different relations. He was a representative of an honored American family; he had been Vice-President of the United States. Perhaps speaking in this tone of deprecation after the defeat of Bull Run aggravated the offence. But be that as it may, he had scarcely taken his seat when the brilliant Senator from Oregon,—Colonel Baker,—who had already taken by storm the hearts of the people of the North, and held the respect of his opponents, rose to reply. His figure, erect, tall and well formed, would have commanded attention in any assembly of men; his face inspired confidence. His features were regular in outline and refined in expression; his eye blue and keen; his clean-shaven face rosy with health. As this handsome man, dressed in the uniform of a colonel of the army, with his sword lying upon his desk before him, was recognized by the presiding officer, all eyes were fixed upon him expectantly, and a stillness fell upon the chamber more impressive than noisy clamor. Colonel Baker's reply exposed the sophistries of the Kentuckian's argument, and laid bare in delicate but eloquent language the motive behind it. What, he asked, would the Senator have? With the confederate army within twenty miles of the capital, advancing or threatening to advance to overwhelm the government, to shake the pillars of the Union, or prostrate them in ruins,

> are we to stop and talk about an uprising sentiment in the North against the war? Is it not the manly part to go on as we have begun, to raise money, and levy armies, to organize them, to prepare to advance; when we do advance to regulate that advance by all

[1] *Cong. Globe*, Special Session, Thirty-seventh Congress, p. 70.

the laws and rules that civilization and humanity will allow in time of battle? To talk about stopping is idle; we will never stop. Will the Senator yield to rebellion? Will he shrink from armed insurrection? Or would he conduct this war so feebly that the whole world would smile at us in derision? What would he have? Those speeches of his, sown broadcast over the land, what clear, distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very capitol of the confederacy?

What would have been thought, if in another capitol, in another republic, in a yet more martial age, a Senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannæ, a Senator there had risen in his place and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to the old recollections and old glories? Sir, a Senator, himself learned far more than myself in such lore, tells me in a voice that I am glad is audible, that he would have been hurled from the Tarpeian rock. It is a grand commentary on the American Constitution that we permit these words to be uttered.[1]

From the effects of this impassioned speech Mr. Breckinridge never recovered.

The magnificent display of loyalty led members of Congress to misinterpret popular feeling and to commit the mistake of urging upon the administration an immediate move against the enemy in the field regardless of the state of discipline of the troops. Deference to the sensitiveness of Virginia had left unoccupied by Union soldiers the strategic point of Manassas Junction, for which the confederate government was, no doubt, profoundly grateful. When Virginia finally took her resolution, confederate troops were promptly despatched to this junction of railroad lines, and in due time an

[1] *Cong. Globe*, Special Session, Thirty-seventh Congress, p. 378. The interruption was by Senator Fessenden.

army was massed there under command of General Beauregard. At Winchester was General Joseph E. Johnston with a force of eleven thousand men, which could be moved rapidly to reinforce the Manassas army. Confronting Johnston was a Union force of three-months men under General Patterson, who was instructed to hold the enemy or engage him. Against the force at Manassas General Scott was instructed to send the army concentrated in and around Washington. It moved forward under the immediate command of General Irvin McDowell, who had under him, Generals Tyler, Willam T. Sherman, Fitz-John Porter, David Hunter, Heintzelman and others who afterwards became conspicuous and successful leaders. Under Beauregard were Stonewall Jackson, Longstreet, Ewell and J. E. B. Stuart — all able commanders. The battle of Bull Run, which was fought on Sunday, July 21, was progressing favorably for the Union army, when at a certain stage a momentary confusion caused a regiment to give way, and this was followed by a retreat, and the retreat became a panic. The utmost demoralization prevailed even after the troops had entered the entrenchments of Washington, although the enemy had not followed up the victory. Just before the battle began, General Joseph E. Johnston, who had eluded General Patterson, in command on the line of the Baltimore and Ohio Railroad, reinforced the confederates and assumed the command. Even with this advantage the confederates were not of themselves successful.

Both armies [says General Sherman] were fairly defeated, and, whichever had stood fast the other would have run. Though the North was overwhelmed with mortification and shame, the South really had not much to boast of, for in the three or four hours of fighting their organization was so broken up that they did not and could not follow our army, when it was known to be in a disgraceful and causeless flight.[1]

"Our army," says General Johnston, "was more disorganized by victory than that of the United States by defeat."[2]

[1] *Memoirs*, vol. i., p. 210.

[2] *Battles and Leaders*, p. 252.

Many members of Congress had been witnesses of the battle, and while they fled with precipitation, they met the emergency as did the officers of the army, the executive and the people, in a manly spirit. Needed war legislation was enacted, the three-months troops were sent home, and the three-years regiments were set energetically to work to become disciplined soldiers. There was just enough revealed to show that the movement upon Manassas was against General Scott's advice, and that it was made before the expiration of the service of the three-months regiments and to meet newspaper clamor.[1] The lesson served a useful purpose.

The Bull Run defeat precipitated action on the delicate question of the relation of the slave to the war. To forestall any attempt to excite the fears of slaveholders in the border States, Mr. Crittenden introduced a resolution declaring:

> That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in arms against the constitutional government, and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the *supremacy* of the Constitution, and to preserve the Union with all the dignity, equality and the rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

The same resolution was introduced in the Senate by Andrew Johnson four days later, and led to an animated debate. In the House there were only two votes in the negative; in the Senate there were four votes against it, cast by disunionists. The resolution expressed the purpose of the

[1] See remarks of Mr. Richardson in the House, reporting a conversation between General Scott and Mr. Lincoln in his presence. *Cong. Globe*, Special Session.

Republican party as declared in platforms and by the President, and yet Mr. Sumner in the Senate and Owen Lovejoy and Thaddeus Stevens in the House declined to vote. The sole object of the administration and of the party responsible for it was to save the Union—save it without disturbing the domestic institutions of the States if permitted to do so. A few thought more of the overthrow of slavery—"the cause of all our woes"—than of the Union; indeed, they believed the Union with slavery undesirable. But this sentiment was entertained by a small class. The great mass of the Northern people, while opposed to slavery on principle, believed that the constitutional rights of the South should be respected and sustained. The aggressions of slavery—denial of the freedom of opinion and of the press and of the right of petition; the extension of the system into free territory for political power —these rather than the sinfulness of human bondage consolidated the political strength of the North. But rebellion might and did accomplish what the North could not—what an administration chosen by the Republican party never would have done in time of peace: it confiscated slave property when employed by a disloyal master to strike a blow at the government. The battle of Bull Run revealed the extent to which slaves were being employed to make secession successful. The logic of war called for the confiscation of the property in all such cases. In anticipation of the progress of events Senator Trumbull had already introduced a bill to authorize the confiscation of property used for insurrectionary purposes. After the defeat of the army under McDowell this bill was amended so as specifically to include slaves and passed, but not without vigorous opposition. Mr. Lincoln, fearing it might result in harm to the cause, signed it reluctantly.

The session closed August 6th, after having provided ways and means in the most liberal manner for prosecuting the war. An increase of duties upon imports was voted, affecting chiefly brandy and other distilled spirits, wine and silks. Many articles on the free list, including tea and coffee, were subjected to taxation. It was believed that the changes

would insure a large increase of revenue from customs, but the attempt was made so to regulate the tariff as not to cripple domestic interests which were being stimulated into activity by the war. Provision was also made for a direct tax of twenty millions of dollars on the real estate of the country apportioned among the States and territories, and for an income tax of three per cent. on all incomes in excess of eight hundred dollars per annum, which was modified in several respects. Incomes derived from securities of the United States were taxed one and a half per cent.; but on those derived from stocks, securities other than national and other property existing in the country owned by American citizens residing abroad, a tax of five per cent. was laid.[1] These taxes were notice to the creditors of the nation that loans and all obligations had a sound basis. The act under which they were levied was the foundation of the system of internal revenue, which was an essential part and "the crowning glory of Secretary Chase's policy, and its scope and boldness entitle him to rank with the great financiers of the world."[2] Mr. Chase otherwise inspired confidence at home by making his financial appeals directly to the public. A loan of two hundred and fifty millions, and the issue of fifty millions of treasury notes, bearing interest, reissuable as often as they might return to the Treasury, were authorized by Congress. An increase in the consular representation of the United States was authorized, where the President should deem it advisable to prevent piracy — this power to cease with the re-establishment of peace. It was at first confidently expected that the war would end within a year, but as a people we learned to be patient, became accustomed to burdens and acquired the calmness of courage to look danger in the face.

The motive that has its rise in partisanship in times of

[1] Bolles, *Financial Hist. of U. S.*, vol. iii., p. 17.

[2] *Twenty Years of Congress*, vol. i., p. 434. The internal-revenue system was a drastic measure, but necessary as a war measure to sustain the credit of the United States. It was continued after the close of the war until the debt had been largely reduced. In 1866 it appropriated sixty per cent. of the increase of wealth of the country.

national peril is indefensible. There is not a trace of patriotism or good citizenship in it. History must condemn it as mean and wholly mischievous. The spirit that a few members of Congress displayed in the special session quickened into life party feeling, which was stronger than love of country with a class in several of the States,—in New York, Ohio, Indiana, Illinois and Iowa,—and the government henceforth had to deal with this as a force auxiliary to the armed confederacy. After Sumter party spirit disappeared, but it reappeared in the press and in conventions when mistakes in administration, inseparable from new and unlooked-for conditions, seemed to open the way for dissent. This opposition was either bold, as in the case of men of the type of Vallandigham, or covert, as in the case of men of the type of Voorhees and S. S. Cox, cloaking its purpose in a specious profession of the duty of maintaining the government, while always meaning to cripple it or deliver it bound to the armed enemy, as any compromise at this stage meant no less. This fact is indisputable, that the war for the government proceeded upon the proposition that the Constitution as it was, was ample in its guarantees for the rights of all sections of the Union, and that the defeat and submission of those who refused to abide by the will of the majority expressed according to the legal forms, and who first drew the sword and forced war upon the country, were necessary to insure the existence of republican government upon this continent.

Both national and State administrations had in the beginning promptly invited to places of confidence and responsibility men most conspicuous in opposition to the Republican party. Their acts had given point to the words of Douglas: "Whoever is not prepared to sacrifice party organizations and platforms on the altar of his country does not deserve the support and countenance of honest people." In the same catholic spirit the Ohio Republican Committee invited the Democratic to unite with it in a call for a non-partisan convention, and, notwithstanding the invitation was rejected,[1] it

[1] The Democratic State convention nominated Hugh J. Jewett for Governor and John Scott Harrison for Lieutenant-Governor. The latter, who had supported

persisted in inviting all who were in favor of the unconditional preservation of the Union of the States to meet in convention to nominate a ticket. The Republican governor, deserving a re-nomination, gave place to David Tod, who had presided over the Baltimore convention when Mr. Douglas was nominated; while Benjamin Stanton, eminent in the party councils, accepted the nomination for Lieutenant-Governor from a sense of duty. The other places were divided between Democrats and Republicans. The platform was made up of the Crittenden resolution adopted at the special session of Congress, and another which, in the language of Joseph Holt, declared for the Union without conditions, "for its preservation at any and every cost of blood and treasure, against all its assailants, and against any and every compromise to be made under the guns of the enemy."

While these loyal Southerners were bracing the nerves of Ohioans,[1] secessionists of Kentucky were entertaining Vallandigham and applauding his scheme for the creation of a peace party. There were to be peace barbecues throughout Kentucky, and peace meetings in New Jersey and New York following an opening one in Louisville. But the citizens of that city knew that the secessionists did not mean union and a restoration of fraternal relations when they marched behind Vallandigham's white flag, and the meeting was a failure.[2] The popular reaction promised the revolutionists by their Northern allies was not realized, and they were left to new

Bell and Everett, declined the nomination. Mr. Jewett yielded to party pressure and accepted. He had a son in the 23d Ohio regiment.

[1] "Joseph Holt makes the best war speeches of any man in the land. They always brace my nerves and stir my heart when I read them. At camp Joe Holt, near Louisville, he said, 'Since the sword flamed over the portals of Paradise until now, it has been drawn in no holier cause than that in which you are engaged.'" —Diary of R. B. Hayes, Aug. 9th, 1861, in camp in Virginia. *MS.*

[2] Vallandigham and John A. Logan participated in a private conference held during the special session of Congress in July, when Mr. May was despatched to Richmond to ascertain on what terms the secessionists would consent to return to the Union. The reply was a refusal to return on any terms. The effect of this was to send Logan home to recruit a regiment for the Union army, and to cause Vallandigham to persevere in his alliance with secessionists.

devices. These facts show the drift of men, and the concentration of human effort on one side to destroy, on the other to preserve the best government the world had yet seen. The Ohio Unionists in political action had but a single purpose at this time—the same that found expression in the arming for defence of the government after the firing upon Sumter. They showed that they were not only ready to spend their lives in defence of the Union, but to restore it to its former greatness by measures of peace and conciliation whenever the time for them should come.[1] As Senator Wade was a member of the Committee on Resolutions and approved of the platform, the unity and right disposition of the Republicans of Ohio were unmistakable.

On the other hand, we see a fraction of their political opponents in August, 1861, recommending the calling of a convention of States to treat with men in armed rebellion, and three years later declaring the war for the Union a failure. The effect of this course was to prolong the war by holding out to the insurgents the prospect of a great popular reaction favorable to them.

There are practices in the game of politics, says Froude, "which the historian in the name of morality is bound to condemn, which nevertheless in this false and confused world statesmen till the end of time will continue to repeat."[2] The moral of the story of the Hartford convention was unheeded,

[1] Letter of Thomas Ewing (Lancaster, Sept. 7, 1861) to John J. Crittenden. *MS.* Mr. Ewing was jubilant over the success of the non-partisan movement in Ohio. "There is no taint of abolition or secession sympathy in the movement." A notable feature of the convention at Columbus was a great speech by Mr. Ewing, which, while vindicating Mr. Lincoln, contained interesting historical facts illustrative of his theme. He said that when President Jackson issued his proclamation against the nullifiers, he (Ewing) and twenty other Whigs went to him and told him they would stand by him. Lincoln deserved the same support now that was given to Jackson. From that time to the civil war a whole generation had been educated in disunion doctrines in South Carolina and other Southern States, and in filibustering schemes. Out of this disunion education and lawlessness in the South grew secession, and the Southern States had been precipitated into civil war by minorities organized for that purpose. M. H., Cincinnati *Commercial*, Sept. 6th.

[2] *History of England*, vol. vii., chap. iii.

and at a time when the responsibility of the government was infinitely more serious than during the second war with Great Britain—when the life of a government by the people was the stake—men basely pursued partisan ends. Boldly declaring that the Democratic party, having always been opposed to sectionalism, was in no way responsible for the war, they assumed the attitude of friends to the enemy—the attitude of covert resistance to the government. This declaration invited to an examination of the record. Slavery, which was confined to a section, had been made by the politicians of that section a political power to control the national government, and to that end they first obtained control, through the caucus system, of the Democratic party. The frauds of Kansas were committed by that party, and their fruit, the Lecompton constitution, was made a test of party fealty; the doctrine that the Constitution protected slavery in the common territories was made a test of Democracy. These things led to new party divisions — led politicians to disrupt the Democratic party when they lost control of the party machinery at Charleston—led them when defeated at the polls to attempt to dissolve the Union.[1] When the acts of men are the substantial cause of an effect, when the antecedents necessary to the production of a certain result are under their control, and have been set in motion by them, either with a view of bringing about that end, or with a knowledge that it would ensue, then the world holds them responsible.[2]

David Tod was elected Governor of Ohio by a majority of over fifty-five thousand, notwithstanding the absence of the large quota of voters who had entered the army. Dickinson

[1] This had been threatened before, but not carried into effect until 1860–1. During the session of the Virginia Legislature in 1799, when the alien and sedition laws were under discussion, views of such a dangerous character were developed as to move John Marshall to say: "To me it seems there are men who will hold power by any means rather than not hold it, and who would prefer a dissolution of the Union to the continuance of an administration not of their own party."—Letter to General Washington, Jan. 8, 1799, and first printed in the *National Intelligencer* June 8, 1861.

[2] Cf. *Positive Causes in Politics*, by George Cornewall Lewis.

for Attorney-General of the State of New York had a majority of over one hundred and seven thousand, and the New England States, Maryland, Iowa and Wisconsin also sustained the administration. The wave of Unionism even swept over California, carrying Leland Stanford into the Governor's chair by over twenty-three thousand majority, and giving the Republicans and Union Democrats control of the Legislature by an overwhelming vote. It was evident that the people of the North had resolutely set to work to restore the Union by sustaining the government in the enforcement of the laws. Their sons had volunteered for the military service from a sense of patriotic duty, and notwithstanding they had met with reverses in the field there was no abatement of resolution. Therefore, when the President sent his first annual message to Congress on the 3d of December, he was not embarrassed by any doubt as to the popular support his administration was to receive. It must have been with no ordinary feelings of satisfaction that he announced the adherence of most of the border slave States to the cause of the Union, the three important States of Maryland, Kentucky and Missouri, no one of which would promise a single soldier at first, having an aggregate of forty thousand in the Union armies.

CHAPTER III

THE TRENT AFFAIR—GENERAL FRÉMONT AND EMANCIPATION —WAYS AND MEANS

JEFFERSON DAVIS, jubilant over the successful launching of a new confederacy, over abundant harvests, over the increase in new branches of manufactures, over the glorious victories won by the confederate armies which had checked the invasion which "greed of gain and the unhallowed lust of power brought upon their soil," moves the Southern Congress to zealous effort in providing ways and means for the new government, and raises high the hopes of those who willingly severed old relations and took on new bonds. The world is invited to take notice that the separation is final, and that for the independence they had asserted the Southern people would accept no alternative.[1] Let us not look too closely into the measures, whether of strategy or force, by which this apparent unanimity had been brought about. When the Unionists of Alabama, Georgia and Tennessee protested against the course that swept them into secession against their will, and "placed power in the hands of those who were not only not chosen by the people, but about whose position they were not even consulted," their resistance was ended. They also went with their States, regretting the while the old government and the old flag.[2]

[1] Annual message of Jefferson Davis, Nov. 18, 1861.

[2] Pamphlet by D. C. Humphreys of Huntsville, Ala., 1861. "It is true we will fight under the flag of the Confederate States—and we'll fight to the death, and the thought of defeat will never enter our minds, though we may be

The attentive reader will not fail to note the importance given to the questions of finance and foreign relations in this message of November 18th — ominous questions that never get settled to the satisfaction of these "freemen fighting for the right of self-government." We have seen how before separation they speculated on their great resources—and great they were without doubt—on the invincibility of King Cotton, before whom the nations directly would bow in humble submission.[1] Believing this, Messrs. Toombs and Benjamin were promising peace before winter. But there were those who did not believe that cotton was king; who did believe that privateering and slavery would prevent recognition by foreign Powers, and that his "pocket nerve" was not the Yankee's most sensitive nerve.[2] Surprised at the hesitation of England, the confederate government placed an embargo upon cotton to prevent it from leaving the country, in order that such a pressure should be put upon the cotton-consuming countries of Europe as would result in an active intervention in the war to compel the United States to acknowledge the independence of the Confederacy.[3] Cotton was the basis of the diplomacy of the new government; upon its future delivery credit was asked

exterminated—yet we would more cheerfully fight under that old banner, the memory and recollections of which will not fade away and die so long as history is read and gallant deeds are cherished." See also *The Cradle of the Confederacy*, pp. 496–528, and the *Declaration of Grievances of the Unionists of East Tennessee*, printed in the *National Intelligencer*, July 4, 1861. "We are obliged, of course, here to favor the confederate cause. Any man who is at all suspected has a very unpleasant time of it."—Letter of a merchant of New Orleans, *National Intelligencer*, July 13, 1861. See also *War Diary of a Union Woman in the South*, *The Century*, Oct., 1889; order of Gen. Beauregard, June 9; file of Louisville *Journal* for August.

[1] Speech of Gov. Hammond, March 4, 1858. "What would happen if no cotton was furnished for three years? England would topple headlong and carry the whole civilized world with her."

[2] Judge John A. Campbell to Judge B. R. Curtis.—*The Century*, Oct., 1889.

[3] "The President and his advisers looked to the stringency of the English cotton market and the suspension of the manufactories to send up a ground swell from the English operatives that would compel recognition, and grudged every pound of cotton exported."—*Jefferson Davis: A Memoir*, by his wife, vol. ii., p. 160.

and obtained; it was the chief commodity in all financial transactions between individuals in the States, and finally in the operations of the confederate treasury. Planters were called on to pledge a part of the crop to the government, and were required to take all risks of storage. They had early paid out money freely to buy arms and equip regiments, and when the pressure of their necessities became great they asked the government to purchase their cotton and to issue treasury notes for it, or to advance money upon its hypothecated value. The Secretary of the Treasury declined the relief asked for, and referred the planters to the banks. Capitalists abroad did not regard dependence on a single commodity as a safe basis for financial operations. The Confederate States, said the London *Times*, had no credit which would get them a sixpence in any part of the world. Yet money they must have, and cotton was their chief dependence. The blockade had not yet been made effectual and vessels slipped through. But to the great disappointment of the confederates no foreign nation stirred to raise the blockade. It would have been a high-handed violation of international usage, and there was not the remotest chance, said a British journal,[1] that either France or England would feel justified for a moment in projecting such an act of decided and unwarrantable hostility against the United States. "If the blockade be ineffectual," said the *Morning Post*,[2] "neutral commerce will comparatively suffer little injury; if effectual, the first principles of public law tell us we must obey with a good grace, however disagreeable the restriction may be for one great staple of British industry and British wealth. . . . No foreign power has the smallest right to interfere in the matter." The opening of the cotton trade would depend on the will and power of the Northern States. The recognition of the Confederate States would not raise the blockade, but render it more stringent than ever.[3]

President Davis dwelt on the possibility of a revolution in

[1] London *Economist*, Sept. 31st.

[2] The *Morning Post* was the organ of Lord Palmerston.

[3] *Ibid.*

the industrial system of the world, which might carry suffering to other lands as well as to America. He said:

> Although it is true that the cotton supply from the Southern States could only be totally cut off by the subversion of our social system, yet it is plain that a long continuance of this blockade might, by a diversion of labor and investment of capital in other employments, so diminish the supply as to bring ruin upon all those interests of foreign countries which are dependent on that staple. For every laborer who is diverted from the culture of cotton in the South, perhaps four times as many elsewhere, who have found subsistence in the various employments growing out of its use, will be forced also to change their occupation.

A fortnight later President Lincoln in his message presented reasons for the continued observance of the blockade better calculated to engage the attention of foreign Powers than those offered by Mr. Davis in favor of intervention. The profound solicitude which had attended our intercourse with foreign nations from the beginning of the war had been intensified by the seizure, on the 8th of November in the Bahama Channel, from the British mail steamship *Trent*, of James M. Mason and John Slidell, accredited agents of the Confederacy, by Captain Wilkes, commander of the man-of-war *San Jacinto*, and their incarceration in Fort Warren. The popular approval of this daring act was universal in the North. Captain Wilkes was the hero of the hour.[1] Greater than this feeling of gratification in the United States was the outburst of anger in England when the news reached that country. There was instant preparation for war, troops were despatched to Canada, and we were in imminent danger for weeks until, in compliance with the demand of the British government, the confederate envoys were surrendered. Secretary Seward saw the necessity of this course from the beginning. As Captain Wilkes had acted without any instructions from the government, the sub-

[1] A resolution of thanks, adopted with unanimity, marked the approval of Congress. Public ovations in Boston and elsewhere followed, and Everett and other orators of distinction defended the legality of the seizure.

ject was free from embarrassment. Even more fortunate was it that the British demand was a recognition of the rightfulness of the contention of our government in former controversies with that government. In his answer, therefore, Mr. Seward did not fail to vindicate the consistency of his own country.

If I decide this case in favor of my own government [said he], I must disavow its most cherished principles, and reverse and forever abandon its essential policy. The country cannot afford the sacrifice. If I maintain those principles and adhere to that policy, I must surrender the case itself. It will be seen, therefore, that this government could not deny the justice of the claim presented to us, upon its merits. We are asked to do to the British nation just what we have always insisted all nations ought to do to us.[1]

The moral victory was ours, which reconciled the President and the people to the surrender of the obnoxious envoys.

This conclusion was not reached until the closing days of the year, and without telegraphic communication, it was the 17th of January before Mr. Adams could send this word of comfort, "The result is in the highest degree satisfactory." We were for a brief while relieved from the menace of foreign intervention. But it was an imminent danger when Mr. Lincoln took notice of Mr. Davis's prophecy of a possible revolution in the industrial system of the world, and in a few sentences showed that relief would come most speedily and surely by sustaining the Union cause.

If it were just to suppose [said he], as the insurgents have seemed to assume, that foreign nations in this case, discarding all moral, social and treaty obligations, would act solely and selfishly for the most speedy restoration of commerce, including especially the acquisition of cotton, those nations appear, as yet, not to have seen their way to their object more directly, or clearly, through the destruction than through the preservation of the Union. If we could

[1] Mr. Seward to Lord Lyons, Dec. 26, 1861. *Diplomatic Hist. of the War for the Union*, p. 307.

dare to believe that foreign nations are actuated by no higher principle than this, I am quite sure a sound argument could be made to show them that they can reach their aim more readily and easily by aiding to crush this rebellion than by giving encouragement to it.

It was the Union which made as well our foreign as our domestic commerce, and it was the effort for disunion which produced the existing difficulty.

The danger would lessen as rapidly as the authority of the Union should be restored at the ports on the seaboard. The Chesapeake was secure. Successful naval expeditions had resulted in the capture of Hatteras, Port Royal, Tybee Island and Ship Island. Other more extensive operations to be undertaken soon would bring more important results.

The tension in our relations to the allied governments of England and France quickened the curiosity of foreign statesmen and of the foreign press as to the real meaning of the sympathy which the Emperor of Russia had openly shown to the American Republic, and it was not unlikely that the mystery with which the imagination surrounded this served us a good turn when the Emperor of the French proposed to Lord Palmerston to recognize the Southern Confederacy. At any rate the British government prudently declined. The Emperor might have taken an active part with us if his old enemies had pressed us unfairly. The friendly Gortschakoff letter contained a timely hint, calculated to disconcert any conspiring against us. The American nation, it said, is an element "essential to the universal political equilibrium," and further indicated that there is a natural community of interests and of sympathies between the Empire and the Republic. Sir Bulwer Lytton, speaking for Tory England and the French usurper, declared that the destruction of our Union was necessary in order to preserve the political equilibrium of Europe. But Alexander's policy was to preserve the American Union as a counterbalance to those European Powers which were allied to check the progress of his empire in the East.

The President could see no good reason for longer refusing

to recognize the independence of Hayti and Liberia, and he recommended an appropriation for the salary of a *chargé d'affaires* to each of those countries. The trade of Hayti was more valuable than that of Japan, which we had gone to considerable pains to cultivate. It was remarked that the inhabitants were only slightly darker than the Japanese visitors who so excited American enthusiasm, and that commercial and diplomatic relations could be established with them without such close social intimacy as that with which we cultivated our Japanese relations.[1] The American stomach was tender on this subject, but not nice enough to refuse a good trade on account of color, either at home or abroad.

A sharp division had taken place in the Union ranks on the slavery question, causing great embarrassment to the administration. In July, General Frémont had been placed in command of the army of the Mississippi with headquarters at St. Louis. His great personal popularity gave new life to volunteering. Hundreds of young men joined the army and requested to be permitted to serve under Frémont. Newly organized regiments in Ohio were sent to Missouri as the country where military glory would be most surely and speedily won. If Frémont could have justified this outpouring of popular enthusiasm by a wise and successful administration of military affairs and by victories over the enemy, his fortune would have been secure. But the death of the able General Lyon in the battle at Wilson's Creek on the 10th of August,[2] and the surrender of a force of 2640 Union men under Colonel Mulligan at Lexington,[3] after days of heroic

[1] Cincinnati *Gazette*. It should be borne in mind that at this period Japan had not entered on the wonderful career which has latterly given it great prestige.

[2] The Union force was outnumbered. General Lyon, failing to receive the reinforcements he had asked for, was yet constrained to fight to save the State from falling into the hands of the confederate generals McCulloch and Price. Their progress was checked, but at the sacrifice of the most capable Union general in Missouri.

[3] General Price brought against Colonel Mulligan a force of over 20,000 men. He exacted of the Union prisoners an oath not to serve against the Confederacy during the war.

resistance, destroyed Frémont's military prestige in large measure; lack of business capacity and of a ready grasp of details unfitted him for the command in Missouri. It was reported that it was difficult to get admittance to his headquarters, and that he was surrounded by foreigners who did not understand the American character and customs. While his manner was natural and unostentatious, he was a silent, reticent, meditative man. This singular reserve and undemonstrative deportment were not popular qualities, but his soldiers always greeted him enthusiastically. His fame created an army for the West when most needed, and where there was a dearth of leaders. He quarrelled with Colonel Frank P. Blair, and thus incurred a powerful opposition. Another incident is of greater importance.

The disorganized condition of the State, the helplessness of the civil authority, and the insecurity of life and property, led Frémont to issue a proclamation, the 31st of August, extending martial law throughout the State of Missouri. This was justified by the condition of affairs. But the same proclamation confiscated to the public use the property of persons found in arms against the government, and declared their slaves freemen. Here he trenched upon the province of political policy, and meddled with that which belonged to the executive. It was a reckless act that but for the prudence and wisdom of the President might have proved destructive of the Union cause, as it threatened to alienate the Unionists of Kentucky and the conservatives of the North. Mr. Blaine said truly that, "If the Democratic party as a whole had in the autumn of the year 1861 taken the ground which a considerable section of it assumed, it would have been impossible to conduct the war for the Union successfully."[1] The President caused the proclamation to be modified, so far as it related to the manumission of slaves, so as to make it conform to the confiscation act of Congress. General Anderson telegraphed the President that on receipt of the news that General Frémont had issued deeds of manumission, a whole company

[1] *Twenty Years of Congress*, vol. i., p. 354.

of Kentucky volunteers threw down their arms and disbanded. "I think to lose Kentucky," wrote Mr. Lincoln, "is to lose the whole game. Kentucky gone we cannot hold Missouri, nor, as I think, Maryland. . . . We would as well consent to separation at once, including the surrender of this capital."[1] The purpose of the administration not to interfere with slavery was clearly indicated some months earlier, when the Secretary of War declined to approve General Butler's doctrine that the slaves of rebels should be treated as "contraband of war," and General Frémont ought to have respected that determination.

There was a strong popular approval of Frémont's act in the North which was not confined to anti-slavery men. The biographer of Mr. Douglas, reflecting the sentiments of many of the followers of that statesman, expressed the opinion that it would have been better to sustain Frémont. "Backward steps never lead to good results."[2] "It is time," declared the Boston *Post*, approving the policy of the proclamation, "that the rebels understood that, by their defiance and violation of all law, they have struck the first blow to that institution which the political philosophy of Stephens and the sword of Davis would support."

Was negro property more sacred than other property? was asked by a defender[3] of the rightfulness of Frémont's proclamation. The country was at war and the negro question should be treated from the standpoint of war. The government had nothing to do with slavery except in the exercise of its rights of war. "Every negro man taken from the confederates was a loss more felt by them than the death of a white soldier in battle." The policy of the government was to force this class to remain within the enemy's lines. When Halleck succeeded to the command in Missouri he expelled the blacks from his camps on the mean and false charge that they were spies, thus forcing them into the hands of the enemy with all of the information they had acquired within our lines, and

[1] Nicolay and Hay, vol. iv., p. 422.
[2] Chicago *Post*.
[3] Cincinnati *Gazette*.

depriving our army of their help as guides. "The cry of abolitionism has acquired a meaning in this war. It is the cry of those who would cripple the government in its war against rebellion; it is the watchword of the disloyal." [1]

This popular sentiment—that it was time the war should be conducted on the principle of hitting the enemy a blow whenever opportunity offered; that the slaveholder in arms should be deprived of the help of his slave property as well as of the use of his other property—penetrated the War Department and influenced Secretary Cameron to make an official utterance on the vexed subject in his annual report. He declared that it was as clearly a right of the government to arm slaves, when it should become necessary, as it was to use gunpowder taken from the enemy. Whether it was expedient to do so was purely a military question. Self-preservation, the highest duty of a government as of individuals, demanded that they should be disposed of or employed in the most effective manner that would tend most speedily to suppress the insurrection and to restore the authority of the government.

> If it shall be found that the men who have been held by the rebels as slaves are capable of bearing arms and performing efficient military service, it is the right and may become the duty of the government to arm and equip them, and employ their services against the rebels, under proper military regulations, discipline and command.

Even as Frémont had acted on his sole responsibility in Missouri, so the Secretary of War had written the above without consulting the President, and therein he had committed a technical impropriety. The question, while purely a military one rightly considered, nevertheless in the conditions then existing had a political phase which the President was bound to consider. Perhaps a feeling of pique sharpened the eye of the President (for he was human) and enabled him to discover danger in a clear statement of the right and power of the government, when there was an avoidance of all commitment.

[1] Cincinnati *Gazette*.

Be that as it may, the President required Mr. Cameron to call in the printed copies which had been sent in the mail to postmasters, to cancel the objectionable passage and to substitute therefor the mild interrogatories which will be found in the official report.

The removal of Frémont from the command in Missouri followed early in November, and was not calculated to placate the radical anti-slavery men. The dissatisfaction with the attitude of the administration toward the slavery question found expression soon after Congress met in the introduction of numerous resolutions declaring that the slaves of those armed against the Union ought to be made free. When Mr. Holman of Indiana on the 4th of December offered a resolution, solemnly reaffirming the principles of the Crittenden resolution, which had been adopted at the first session of the Thirty-seventh Congress by an almost unanimous vote, Thaddeus Stevens moved to lay the resolution on the table, and the motion prevailed. Such prominent Republicans as Mr. Dawes of Massachusetts, and Mr. Shellabarger of Ohio voted with the Democrats in the negative. The President avoided a discussion of the delicate subject, but in a reference to the confiscation act made this cautionary remark: "We should not be in haste to determine that radical and extreme measures, which may reach the loyal as well as the disloyal, are indispensable." An independent journal complained that the President had evaded the rugged issue, and left the everlasting slavery question still adrift in the terrible rapids of the Civil War, with the roar of a political Niagara nigh.[1] The President, however, took thought of the condition of a class of persons liberated under the confiscation act or by similar State acts, and suggested the acquiring of territory for the purpose of colonizing them. Keeping in view the wishes of border State men, he also suggested that it might be well to consider whether the free colored people could not, so far as individuals might desire, be included in such colonization.

The agitation begun in Congress, and promoted by a portion

[1] Cincinnati *Commercial*, Dec. 4, 1861.

of the press, caused grave apprehensions of divisions in the Union ranks. Papers known to have friendly relations to members of the administration endeavored to check the tendency to urge extreme measures. The New York *Times* expressed the hope that Congress would recognize the paramount importance of harmony in the public counsels, and repress whatever rash attempts might be made, in the spirit of overzealous partisanship, to override and destroy it. "The time for the safe and successful treatment of the slavery question, in its broadest relations, has not yet come. No public necessity yet requires it." [1]

A war for the Union [said the conservative *National Intelligencer*] may, as one of its possible incidents, conduct to emancipation, in part or in whole. A war for emancipation would, according to all the probabilities that occur to our minds, result only in the disappointment of the hopes rested on this basis, while at the same time proving fatal to the hopes of those who, with the President, "keep the integrity of the Union prominent as the primary object of this contest." [2]

To strike at slavery through a general act of emancipation or a proclamation of martial law, in the opinion of the New York *Evening Post*, would scarcely effect the object sought, while either or both would be offensive to large numbers of loyal men, both in the border and cotton States, and might protract our troubles. "But Congress has power to confiscate the property of rebels. Under this it may confiscate whatever is held as property under the laws of the States; and it may appoint commissioners of forfeiture in each State for the distribution of that property in such a manner as may seem best." [3] The *Journal of Commerce*, commenting on this view, said:

On this ground, whatever differences of opinion there may be among us as to the abstract question connected with slavery, the North can be united. The slave property of rebels is unquestiona-

[1] December 5th. [2] December 7th. [3] December 5th.

bly the subject of confiscation as much as their horses or their cotton. No one desires confiscated slaves to be returned to slavery. The government should make provision for that; and if in the end it shall be that every slave in the rebellious States has acquired freedom in this manner, no reasonable man, North or South, can object to the effects of the administration of constitutional law.[1]

"Proclamations of emancipation" — said the Cincinnati *Commercial* (a paper which was understood to speak for the Secretary of the Treasury)—"and the arming of the negroes would only embitter and barbarize the war, without advancing one step towards its conclusion."

In anticipation of the conflict of opinion and with a view of keeping control of the subject, on the 5th of December Senator Trumbull formally introduced a bill, of which he had given previous notice, providing for the confiscation of the property of rebels and giving freedom to the persons they held in slavery, this forfeiture to be enforced against property in the rebellious districts through the military power, and against property in the other portions of the United States in which the judicial power was not obstructed by the rebellion through the courts. It made it the duty of the President to provide for the colonization of such of the freedmen as might be willing to go in some tropical country, where they might have the protection of the government and be secured in all the rights and privileges of freemen. Mr. Trumbull proceeded to explain the provisions of his bill in a notable speech which proved the beginning of a debate which attracted the attention of the country for months, and in which a wide diversity of opinion was displayed. He set the limitations of military power in time of war, thus inviting those inside and outside of the administration who had advanced the doctrine that it was superior to the civil power, or, that in such times necessity was higher than and above the Constitution, to defend their position. "Necessity is the plea of tyrants, and if our Constitution ceases to operate the moment a person charged with its observance thinks there

[1] December 6th.

is a necessity to violate it, it is of little value." Or, in the quaint language of the time of Elizabeth, "Necessity is one of the most dangerous pilots that can take helm in hand, for where necessity rules, election and consent can take no place."[1] Senator Trumbull did not admit the necessity, but held that under our Constitution the military is as much subject to the control of the civil power in war as in peace. "I warn my countrymen," added he, "who stand ready to tolerate almost any act done in good faith for the suppression of the rebellion, not to sanction usurpations of power which may hereafter become precedents for the destruction of constitutional liberty." More will be heard of this later on. Meanwhile arrests of civilians by order of the Secretary of State and censorship of the press,[2] are causing apprehension lest in the effort to put down a formidable rebellion there should be a dangerous invasion of personal liberty and freedom of opinion.

In the House Mr. Gurley of Ohio also introduced a bill to confiscate the property of rebels, to liberate their slaves, and to employ or colonize the same; but this, the author was informed by Mr. Gurley, was done after a conference with the President. Among other things it set apart Florida for the freedmen, who were to be apprenticed under agents of the government, and to receive reasonable wages, until capable of becoming their own masters, when they were to be permitted to work for whom they pleased and go where they pleased. The New York *Tribune* commended the bill, which, it declared, was drawn with "remarkable precision, clearness and force," and was as well calculated as any legislative measure could be to effect the end in view.

[1] Walsingham to Lord Burghley, Aug. 20, 1581.

[2] December 5th, in the House, Mr. Gurley offered the following resolution: "*Resolved*, That the Judiciary Committee be requested to inquire if a telegraphic censorship of the press has been established in this city; if so, by whose authority, and by whom it is now controlled; to report if such censorship has not been used to restrain a wholesome political criticism and discussion, while its professed and laudable object has been to withhold from the enemy important information in reference to the movements of the army." The correspondents of the press in Washington were much annoyed by the lack of an intelligent discrimination on the part of the person scrutinizing their despatches.

Meanwhile an event of vast commercial importance had occurred almost unheeded, so completely did the war overshadow every other human interest. Telegraphic communication with the then far-away Pacific coast was brought to a successful completion in October, and the lines were made a part of the system of the Western Union Telegraph Company. When a message was flashed through the Atlantic cable, cities were illuminated and there were great public demonstrations; but the binding together of the Atlantic and the Pacific, a work of almost equal importance, attracted no special attention, save from the man of wit who, when Salt Lake was reached October 18th, remarked: "We may now fairly be considered in daily communication with the Saints, who, it is gratifying to be assured, are, as their polygamous inclinations and customs would lead us to suppose, unanimously in favor of the Union."

To the recommendation of the President, as a military measure, that Congress provide for the construction of a railroad as speedily as possible from Lexington, or Nicholasville, to the Cumberland Gap, or from Lebanon in the direction of Knoxville, to connect the loyal regions of east Tennessee and western North Carolina with Kentucky, the newspaper critic objected that there was good reason to believe that the war would be over before the road could be built, and that as there was already a road between Louisville and Nashville, it would be well to open it before building another. Subsequent events vindicated the wisdom of the recommendation. Properly equipped and with adequate means of transportation an army could have penetrated into Tennessee by way of Cumberland Ford, as suggested by General George H. Thomas, occupied Knoxville, and seized the Tennessee & Virginia Railroad, the great military artery of the Confederacy. General Thomas's plan, which he was doing all in his power to carry out, had in view the destruction of the railroad bridges for some distance east and west from Knoxville, "and then to turn upon Zollicoffer while in the passes of the Cumberland Mountains, and by getting between him and his supplies, effect the capture or

dispersion of his army."[1] Possession of the Tennessee & Virginia Railroad and of Chattanooga would have simplified the problem before the administration. Both the President and General McClellan urged upon the commanders in Kentucky an early advance into east Tennessee.

The inhabitants of east Tennessee were treated by the confederates with severity. Colonel Wood, commanding at Knoxville, declared that the demeanor of the citizens was submissive, but that they were hostile to the confederate government. Judge Patterson, the son-in-law of Andrew Johnson, Colonel Pickens and others of the wealthy class were made prisoners and their fate remained uncertain for some time. Colonel Wood held them to be responsible for the "rebellion." "They really deserved the gallows, and if consistent with the laws, ought speedily to receive their deserts. But there is such a gentle spirit of conciliation in the South, that I have no idea that one of them will receive such a sentence at the hands of any jury empanelled to try them."

Patterson and his compatriots were sent to Tuscaloosa to jail by order of Mr. Benjamin, Secretary of War, who also directed that the bridge-burners be tried summarily by drumhead court-martial, and, on conviction, hanged on the spot. But despite all efforts at repression the hearts of the Tennesseeans beat faithfully for the Union.[2] They slept in mountain fastnesses and, a few months later, gathering in force, made armed resistance to the enemy.

General Buell, who succeeded General Sherman as com-

[1] Van Horne's *History of the Army of the Cumberland*, vol. i., p. 37. See also *Life of George H. Thomas*, by Piatt and Boynton, chap. v. The plan is disapproved by Ropes. "The same reasons which would make an invasion of east Tennessee, from Louisville or Cincinnati as a base, a difficult matter, would also make its retention by the federals a difficult matter." P. 193.

[2] "The health of the kangaroo who hops around among his children and flatterers in the White House at Washington, was drunk by ladies at a fashionable hotel in Knoxville during the past week. Within five miles of this place there are known to be many, very many ardent Lincolnites. I have heard it said that the secessionists of this place feared Brownlow while the Unionists succumbed to military power. This is not altogether true, perhaps, but there are many Unionists everywhere in this portion of the State."—Cor. Memphis *Appeal*, Feb. 4, 1862.

mander of the Department of the Ohio, after his force had been augmented, organized and properly disciplined, expressed doubt of the wisdom of the east Tennessee project as an unconditional measure.

As earnestly as I wish to accomplish it my judgment has from the first been decidedly against it, if it should render at all doubtful the success of a movement against the great power of the rebellion in the West, which is mainly arrayed on the line from Columbus to Bowling Green, and can speedily be concentrated at any point of that line which is attacked singly.[1]

General Buell projected a movement up the Tennessee and Cumberland rivers to compel the evacuation of Bowling Green, and invited the coöperation of General Halleck, who was now in charge of the Department of the Missouri. In time that general approved the plan and carried it into execution, as we shall see later. A tone of dissatisfaction with the tardiness of military movements is common to the press of both sides during the closing days of 1861. While the battle of Belmont, fought on the 7th of November, was sanguinary and closed without apparent advantage to either of the belligerents, it proved useful to the North in showing that volunteers could behave with coolness and intrepidity under fire when led by a real soldier.[2] It increased rather than lessened the fault-finding. "The government must now do one of two things," said a Northern critic,—"make peace or war."

The Richmond *Whig* had hoped that the *élan* of the Southern volunteers unrestrained, simply guided by able generals, would have planted their banners before frost in the heart of the enemy's country and conquered an honorable peace. But instead, it beheld the United States having dominion over the

[1] Ropes, pp. 206 and 213. This able author gives a very clear analysis of the situation.

[2] "The national troops acquired a confidence in themselves at Belmont that did not desert them through the war."—*Personal Memoirs of U. S. Grant*, vol. i., p. 280. General Grant says that the objects for which the battle was fought were fully accomplished: it prevented troops from being detached from Columbus, and saved Colonel Oglesby and his three thousand men.

sea with power to assail the Confederacy at almost innumerable points, to plunder the coasts, to penetrate the rivers, and to attack at will any point on an extended frontier. They were supreme in Chesapeake Bay; they commanded the Potomac, and they had possession of Maryland, northwestern Virginia and Kentucky, and were contending for Missouri.

These advantages counted for little with the impatient North so long as the Army of the Potomac remained inactive in the presence of an inferior enemy. Why should one hundred and eighty-five thousand men, well equipped, organized and drilled, be subjected to the diseases and demoralization incident to camp life, instead of being permitted to fight if there were capable officers to lead them? The roads were in good condition and the enemy lay at convenient distance. The soldiers had acquired the habits of discipline and were drilled so as to act effectually and intelligently at the word of command. Many of them had been under fire. In all of these requisites they were equal to the confederate soldiers, whom they greatly outnumbered. There was a solemn fact embodied in the sarcastic remark of an inferior officer that the Army of the Potomac was trying the exhaustion process, not on the enemy but the Treasury. Amidst the general depression there was one source of satisfaction—the management of the Treasury Department. This, at least, was proving equal to the magnitude of the work the government had in hand. The triumph of Secretary Chase over every embarrassment and difficulty was signal and enduring. He was spoken of as the Atlas of the government, and the opinion was expressed that had our finances been as bunglingly managed as our military affairs the cause would have been inevitably lost. An ignoble retreat from Wall Street would have been far worse than the stampede at Bull Run, bad as that was.

The great element of power in war is money. This truth Secretary Chase understood, and he had devoted his great abilities with patriotic singleness of purpose to supplying the government with the means of carrying on its stupendous

undertaking. If there was criminal supineness and wastefulness, it was outside of his department and beyond his control. Under authority of Congress he could call for a national loan of one hundred millions of dollars in three-year bonds or treasury notes bearing 7.30 per cent. interest and convertible before maturity into six per cent. twenty-year bonds; could make a loan in Europe or the United States, in his discretion, for a like amount payable twenty years after date, and bearing interest not exceeding seven per cent.; could issue treasury notes bearing an interest of 3.65 per cent. and convertible into three-year 7.30 bonds; and could issue demand notes, receivable for all public dues, to be used as coin in payments and exchanges—these last two descriptions to be limited to an aggregate of fifty millions of dollars, and to be of denominations less than fifty and not less than five dollars. A further authority was conferred to issue treasury notes to the amount of twenty millions of dollars, bearing six per cent. interest and payable not over twelve months from date.

The Secretary invited a conference with the bankers of the three leading commercial cities of the seaboard, and arranged with them to advance the amounts needed for disbursements in the form of loans for three-year 7.30 bonds, to be reimbursed, as far as practicable, from the proceeds of similar bonds subscribed for by the people through the agents of the national loan. Meanwhile, the Secretary issued to a limited extent, in aid of these advances, notes of smaller denominations than fifty dollars payable on demand. By this plan he hoped the capital of the banking institutions and the capital of the people might be so combined with the credit of the government, in the proper provision for the necessary expenditures, as to give efficiency to administrative action, whether civil or military, and adequate support to public credit. The banking institutions subscribed at once a loan of fifty millions of dollars, and agreed to subscribe two additional loans of fifty millions each. When the second loan was subscribed, only about half of the amount of the first loan had been realized from the popular subscriptions, which in the

brief space of time was all that could reasonably be expected. For the third loan, which was negotiated on the 16th of November, the Secretary agreed to issue to the banks fifty millions of dollars in six per cent. bonds at a rate equivalent to par for the bonds bearing seven per cent. interest, the bankers agreeing to make a fourth loan, if practicable. The Secretary expressed his gratification in warm terms. While the action of the banking institutions merited high eulogium, the prompt patriotism with which citizens of moderate means and working men and working women had brought their individual offerings to the service of their country commanded even warmer praise. It was with pardonable pride that the bankers in the following year referred to their action "in the most critical and eventful period known in the history of the country," when they unhesitatingly placed more than their entire capital at the command of the government, almost without hope of profit, and with ruin staring them in the face in the event of loss. They believed, and justly believed, that "they did much to save the government from being overthrown and the country from being dismembered." [1]

At the first session of the Thirty-seventh Congress an act had been passed suspending the sub-treasury law so far as to permit the Secretary of the Treasury to deposit any money obtained from loans in such solvent specie-paying banks as he might select, and such money might be withdrawn for redeposit, or for the payment of public dues under the direction of the Secretary. The bank committee believed this act would justify a closer relation between the associated banks and the government, and accordingly it was at once proposed to the Secretary that he should suspend the operations of the sub-treasury act (which required that nothing but coin should be accepted for any obligations due to the government) in respect to these transactions, and, following the course of commercial business, that he should draw checks upon some one bank in

[1] *Report of the Loan Committee of the Associated Banks*, p. 11. The bank capital of Boston, New York and Philadelphia at this time operating with the government aggregated $120,000,000. Bolles, p. 24.

each city representing the association, in small sums, as required, in disbursing the money thus advanced. In other words, the banks would thus become government depositories and the Secretary of the Treasury or the United States Treasurer like an ordinary customer would pay the creditors of the government by check on these banks,

which checks would be paid in State-bank notes then redeemable on demand in gold, or in the ordinary course of business. To a large extent they would pass through the New York clearing-house and the clearing-houses of other cities, and be settled and cancelled by offset, without drawing large amounts of specie.[1]

If the banks were to maintain specie payments, with $63,165,039 in coin, in a time of war, this seemed to be the only practicable way in which it could be done.

To draw from the banks in coin the large sums involved in these loans [said Mr. Geo. S. Coe of the American Exchange Bank—very high authority], and to transfer them to the Treasury, thence to be widely scattered over the country at a moment when war had excited fear and distrust, was to be pulling out continually the foundations upon which the whole structure rested. And inasmuch as this money was loaned to the government there appeared to the committee no reason why it should not be drawn by checks in favor of government contractors and creditors who would require to exchange them for other values in commerce and trade through the process of the clearing-house.[2]

Mr. Chase did not believe the suspension act gave to the Secretary any such authority, and he refused to entertain the proposition. Being a hard-money Democrat, he was technical in construing his powers, and distrustful of banking institutions operating under State charters. In his official connection with the Lafayette Bank and as Governor of Ohio he had had experience with solvent and insolvent institutions during financial panics, and therefore in a time when the foundations of all

[1] Statement of Mr. E. G. Spaulding, who drafted the bill to suspend the sub-treasury law, as quoted by Bolles, p. 27.

[2] *Ibid.*, p. 27.

American institutions seemed insecure, and as he was charged with greater responsibilities than any of his predecessors, he was bound to scrutinize his own authority in the common interest, and to err, as err he might, on what he believed to be the side of safety. When pressed by the committee to adopt their plan for transacting the public business, he remarked: "You ask me to borrow the credit of local banks in the form of circulation. I prefer to put the credit of the people into notes and use them as money." [1]

This conversation was in the presence of the Finance Committee of the two Houses, and we get this further light on the New York proposition from Mr. Sherman, who was a member of the Senate Committee. He says that the banks proposed that the war should be carried on upon the basis of the paper money of the banks, by "legalizing the suspension of specie payments, and that the government should issue no paper except upon an interest of six per cent. or higher if the money markets of the world demanded more." [2] This was the plan substantially adopted in the War of 1812 which proved so fatal—"a plan of carrying on the operations of this great government," added Mr. Sherman, "by an association of banks over which we had no control, and which could issue money without limit so far as our laws affected it."

Disappointed in the rejection of their plan, the banks did not look with favor on the demand notes which the necessities of the government compelled the Secretary of the Treasury to issue. They refused to receive them in the ordinary course of business, and the proposition to accept them as a special deposit discredited them with their customers. Of course as the banks were the government's principal source of supply for coin, they controlled the convertibility of the demand notes, and their refusal to accept them made them for the time irredeemable.[3] On the other hand, the bank

[1] Letter to J. T. Trowbridge printed in Warden's *Chase*, p. 388.

[2] Speeches by John Sherman.

[3] "The very first week that they were issued we found it quite impossible to take them into our solvent currency. . . . It was substantially like diluting

note circulation could not be sustained at par with coin, unless made receivable by the government, and it could not be made so receivable without risk of serious and perhaps irretrievable financial embarrassment and disorder.[1] This conflict of interests precipitated the suspension of specie payments. The banks, anxious to save the forty million dollars of coin remaining to them, voted on the 28th of December to suspend specie payments on the succeeding Monday.[2] Their example was followed throughout the country, and the government had no choice but to suspend payment of the demand notes in coin, and to take measures to provide a currency in which loans could be negotiated and the transactions of the government carried on. These conditions led to the legal tender legislation, not inevitably, but as a measure which commanded the largest support.

I wished to avoid the necessity of making notes of any kind a legal tender [said Mr. Chase], and proposed several modes of doing it. To none could the unanimous consent of the banks be obtained. Some of them manifested a disposition to discredit the national circulation wholly, whether issued in notes bearing interest, or issued in notes bearing no interest; and if possible, force upon the country the circulation of the suspended banks.[3]

The Secretary was confronted with a falling off in revenue and rapidly increasing expenses. A greater number of men for the army and navy than he had estimated for had been

a sound metallic currency with so much copper."—Geo. S. Coe before the Am. Bankers' Association in 1877.

[1] Chase to Trowbridge, Warden, p. 388.

[2] "From the 17th of August, 1861, to the 4th of January, 1862, the specie was decreased $25,750,112 in the New York banks."—Report of Loan Committee of New York. Gold was being withdrawn from circulation and hoarded everywhere. "Blame has been thrown upon Mr. Chase for this suspension, but quite unjustly. That he might by some arrangement with the banks, in regard to the circulation of their notes, have postponed the suspension for a short time we do not doubt, but it could not long have been avoided."—Amasa Walker in Hunt's *Mer. Mag.*, Jan., 1865, p. 24. See also Bolles, p. 38, who gives a good account of the controversy.

[3] Chase to Trowbridge.

called for by the President with the intention "to make the contest short and decisive." Thus additional appropriations of one hundred and forty-three millions of dollars would be required for the current year, which with expenditures already authorized by Congress would make an aggregate increase beyond the estimates of July of $213,904,427. And with a candor becoming a situation so grave, but which timid men deprecated, he estimated that the debt at the close of the fiscal year would amount to $517,372,802; and, should the war continue so long, June 30, 1863, would approximate double that sum.[1] Already the expenditures reached nearly two millions of dollars a day. How to provide that sum was a most perplexing problem. The receipts from customs, sales of public lands and miscellaneous sources had been less than anticipated, and he could count on an aggregate revenue from all sources, including the direct tax, of only $54,552,665, which was $25,447,334 less than the estimate of July.

Beyond an increase in the duties on tea, coffee and sugar, the Secretary did not recommend any other alteration in the tariff at this session of Congress, unless further experience or changed circumstances demonstrated the necessity of it. Considerations of prudence and patriotism concurred in favor of giving to the existing tariff a full and fair trial, and of reserving the work of revision, modification and permanent settlement for more propitious days. While the American people were concentrating their energies and all of their resources on the establishment of the Union on the permanent foundations of justice and freedom; and while other nations looked with indifferent or unfriendly eyes upon this work, sound policy would seem to suggest a more absolute reliance upon American labor, American skill and American soil rather than the extension of foreign trade. "Freedom of commerce is, indeed,

[1] If the reader will take the trouble to compare his estimates with the results of the debt, he will see how nearly they approximate. On the 30th of June, 1862, the debt was $514,211,371.62, and on the 30th of June, 1863, it was $1,098,793,181.37—his estimate in his report of Dec., 1862, having been $1,122,297,403.24. Bolles, p. 235, n.

a wise and noble policy: but to be wise or noble it must be the policy of concordant and fraternal nations." In this sound maxim was conveyed a hint to England and France that the way to reach our trade was not through our national destruction. Congress met the views of the Secretary by appropriate legislation,[1] but other changes in the tariff were made from time to time until a new system was formed—until the moderate rates of eighteen per cent. on dutiable articles and twelve per cent. on the aggregate in 1860–61 rose before the end of the war to nearly fifty per cent. on dutiable articles and thirty-five per cent. on the aggregate. Not wholly to the exigencies of civil war must one attribute the evolution of the tariff as it stood revealed in 1865. In part it was due to the enormous profits which rewarded capital, to the greed which became insatiable and invented plausible reasons for greater and ever greater protection. Congress, engaged in the work of saving the Union, listened sympathetically and yielded, because the tariff was the chief means for getting capital into a position in which taxation could be applied to it, and successful taxation measured the nation's power of endurance. The government became an enormous customer, and under the stimulus of its demands there was a stir in every branch of industry and an inducement to enterprise in new fields. By midsummer in 1861 government work was fully employing seventy mills in New England, and the one item of dry goods contracted for was estimated at twenty millions of dollars. Not the dry goods and munitions of war supplied by New England only, but the agricultural products of the great West brought cash prices and gave life and activity to business. Thus all labor found employment, and development became the watchword in old and new districts, which in after time had to be estimated by the normal standard of commercial experience.

But meantime the Secretary of the Treasury was devising ways and means for keeping up the financial credit of the United States. Besides the increase in duties on tea, coffee

[1] An act increasing the rates on tea, coffee and sugar was passed and approved Dec. 24th.

and sugar, he proposed to increase the direct tax, so as to produce from the loyal States and territories and the District of Columbia an annual revenue of twenty millions of dollars; to increase the excise tax and to modify the income tax law so as to secure a return of thirty millions more, making an aggregate of fifty millions of dollars derived from internal taxation, which would be little more than one-sixth of the annual surplus earnings. That this sum and much larger sums could be paid by the loyal people without inconvenience, was demonstrated as the years were checked off. The direct and indirect taxation gave a financial standing to the government's operations. Duties were required to be paid in coin, which was available for liquidating the interest charges on the outstanding bonds. Of course the chief reliance of the government for carrying on its vast operations was upon loans.

Foreign loans for the present were out of the question, as the great banking houses of Europe, even as did the governments of Great Britain and France, looked askance upon the American Republic rent in twain. Our own resources were to be subjected to a thorough trial for which no adequate preparation had been made. The emergency at the beginning of the new year was great. The pay of the soldiers was in arrears, and other claims were pressing for settlement. Congressmen felt the responsibility and acted with reasonable promptitude. A joint resolution passed the House in January, declaring it to be the intention of Congress to levy such an internal tax as would, with the duties on imports, raise a yearly revenue of one hundred and fifty million dollars. This had an immediate beneficial effect on the public credit. But it was not until the 3d of March that Mr. Morrill of Vermont, chairman of the subcommittee, was prepared to lay his tax bill before the House and to secure an order to print. The subject was vast and complex, and the bill, which covered every phase of it, was one of the most important ever laid before the national legislature. It created the internal revenue system which performed such an important part in the conduct of the closing years of the war and in the rapid payment of the national debt.

Owing to the opposition of the West, Congress did not confirm the Secretary's recommendation in regard to the direct tax. A measure of doubtful expediency at best, it was limited to a single payment, and was repealed in 1864.

Neither did Congress act upon the Secretary's proposed system of national currency, although the New York bankers had come to its support.[1] Time was requisite to remove objections, and the necessities of the government required prompt action. In this emergency, a bare majority of the Committee of Ways and Means decided to bring in a measure authorizing the issue of treasury notes that should be a legal tender in the payment of all obligations, public and private, except duties on imports and interest on the public debt, and exchangeable into six per cent. bonds, redeemable at the pleasure of the United States after five years. Mr. E. G. Spaulding of New York, who drafted the bill, opened the debate on the 28th of January in an elaborate speech which described the conditions that constrained the committee to recommend "a measure of necessity, not of choice, to meet the most pressing demands upon the Treasury." The opposition was warm and denunciatory, and was led in the House by Mr. Horton and Mr. Pendleton of Ohio, Mr. Morrill of Vermont and Mr. Roscoe Conkling of New York; and in the Senate by Mr. Collamer and Mr. Fessenden. Mr. Sherman, in the Senate, and Mr. Bingham, in the House, defended the constitutionality of the measure in speeches which have often been cited in the controversy that has ensued from this extraordinary legislation. While the storm of debate was raging most furiously, and pessimists who saw only bankruptcy and unending evil ahead were talking about "a saturnalia of fraud," and were predicting that American labor would be crippled while the rich would become richer, the common people and commercial bodies united in demanding the passage of the bill with the legal tender quality. Public opinion has seldom been more united

[1] The Committee of Ways and Means, Dec. 30th, had under consideration a bill to establish a national banking system, but its fate being in doubt it was laid aside temporarily.

and emphatic in favor of any measure. These legal tender notes were the best substitute for gold and silver that could be devised, and far more acceptable to the people than irredeemable bank notes.[1] The Chamber of Commerce of Cincinnati and the commercial bodies of Boston, New York, Philadelphia, Louisville, St. Louis, Chicago and Milwaukee approved the measure and urged its early passage. In opposition "a doleful sound came up from the caverns of bullion brokers," said Thaddeus Stevens, who reflected on the Senate for yielding to this influence, which was used to secure such modifications as would weaken the real purpose of the legislation proposed. Unless the treasury notes should be stamped with the authority of lawful money an officer of the Bank of Commerce of New York declared that the banks of the country could not further aid the government. Here was a great crisis involving, it was believed, the very life of the Republic. Did the Constitution leave the legislature as helpless as regards the power to declare what should be a legal tender in such an emergency as it was claimed it left the executive in the face of a State in insurrection? This legislation was completed on the 25th of February, 1862, and provision was thus made for meeting the pressing necessities of the government. The first issue authorized was one hundred and fifty million dollars. A little later the Secretary of the Treasury asked for another issue of equal amount. The popularity of the greenback currency attached to that officer, who disclaimed the credit of originating it, but found it difficult to set the public right and to make his support of the measure before Congress square with his opinion as to its unconstitutionality.[2]

[1] Bolles, p. 72.

[2] On receipt of the resolutions adopted by the Cincinnati Chamber of Commerce approving the legal tender note bill, and pledging the support of the merchants of that city to the "financial measures necessary to the prompt and vigorous suppression of the rebellion," Secretary Chase said in reply: "The legal tender clause of the bill referred to received my sanction and support as a measure of imperative necessity. The cordial approval of it by the influential body you represent confirms my convictions of the wisdom of the measure."—S. P. Chase to John A. Gano, Secretary, etc., Feb. 17, 1862. Cincinnati *Commercial.* See

The reason of the great popularity of the legal tender notes was tersely expressed by Mr. Shellabarger of Ohio during the debate in the House on the measure authorizing them. "They will be borne up," said he, "by all the faith and all the property of the people, and they will have all the value which that faith untarnished and that property inestimable can give them."

To complete the financial system of the government it was necessary to create a currency that should be of uniform value throughout the country. The evils resulting from banking carried on under State laws have been described, and they were likely to increase as new banks should be established in the rising States west of Illinois. At this period there were seven thousand kinds of bank notes in circulation. The ease with which they were counterfeited, and their fluctuations in value, amounted to an onerous tax upon the people. At this time, also, the suspension of specie payments proved a great temptation to banks of issue, and they increased their circulation in one year fifty-six million dollars—thus inflating the currency and inciting to hazardous speculations, which inevitably result in panics and widespread disaster and suffering.

In the opinion of the Secretary of the Treasury the government ought to control the credit circulation, which "enters so largely into the transactions of commerce, and affects in so many ways the value of coin." He therefore recommended the establishment of a national system that should give the Treasury Department complete control of the currency. The principal features of his plan were first, the making of notes bearing a common impression and authenticated by a common authority; second, their redemption by the associations and institutions to which they should be delivered for issue; and third, the securing of them by a pledge of United States bonds and an adequate amount of specie.[1] This plan, the

also opinion of Chief Justice Chase in Hepburn *vs.* Griswold (8 Wallace, 604 *et seq.*), and personal explanation as to his relations to the legal tender legislation prefacing his dissenting opinion in the subsequent cases of Knox *vs.* Lee and Parker *vs.* Davis, in which the court reversed the former decision and affirmed the constitutionality of the legal tender laws (12 Wallace, 457). Cited in an article in *Harper's Magazine*, Oct., 1873.

[1] Bolles, vol. iii., p. 199.

Secretary believed, would give to the people in their ordinary business a uniform and safe currency secured against depreciation, and protect them from losses in discounts and exchanges;

while, in the operations of the government the people would find the further advantages of a large demand for government securities, of increased facilities for obtaining the loans required by the war, and of some alleviation of the burdens on industry through a diminution in the rate of interest, or a participation in the profit of circulation without risking the perils of a great money monopoly.[1]

The opposition to such a radical change in our currency system was sure to be formidable, both inside and outside the halls of Congress. Time was therefore given for the people to consider the plan, before attempting its legislative enactment. It was not until the session of 1862–3 that an earnest attempt was made to create a national banking system. On the 5th of January, 1863, Mr. Sherman introduced a bill in the Senate for the levy of a tax of two per cent. on the circulation of all bank bills, and a tax of ten per cent. on all fractional currency under one dollar issued by corporations and individuals. He stated the purpose of the bill to be "to induce the banks of the United States to withdraw their bank paper, in order to substitute for it a national currency, or rather the national currency we have already adopted."

On the 26th of January, Mr. Sherman completed the plan by the introduction of a bill to "provide a national currency, secured by a pledge of United States stocks, and for the circulation and redemption thereof." The bill was reported back to the Senate by the Committee on Finance, and debated in committee of the whole. Mr. Sherman advocated the measure in an elaborate argument, remarkable for its lucidity and fullness of information. Mr. Collamer of Vermont was the principal opponent, who brought under discussion the two measures of January 5th and 26th as constituting a plan for the overthrow of the existing system of State banks and private corporations. He questioned the right of the government

[1] Report of the Secretary of the Treasury, 1861.

to establish corporations in States entirely independent of their power of visitation. "It will be found," said he, "that the people will not break up their present system of banking, interwoven as it is with all their transactions, bound up as their business life is with it, to establish banks under this bill, and they will never buy United States stocks for this purpose." But Mr. Collamer proved a false prophet. All was done that he predicted would not be. The bill passed the Senate on the 12th day of February by the close vote of twenty-three to twenty-one and was sent to the House. It passed that body after a thorough discussion on the 20th of February, and received the President's approval on the 25th. The bill to tax the circulation of existing banks also became a law.

"These two measures," says their author, "tested by time, have fully realized the anticipations and confident assurance"[1] of those who gave them their support, and have given rise to none of the evils predicted of them by Senator Collamer and other advocates of the old State system. The legislation reflected the practical logical character of the people. It made the banks aids to the government in the administration of the public service, especially important in a time of war, and placed them outside of State control.[2] The work of inaugurating the new system provided for in the National Banking Act was confided to Hugh McCulloch, who had conducted the affairs of the State Bank of Indiana for many years with success, and who was appointed Comptroller of the Currency.

[1] *Recollections* of John Sherman, vol. i., p. 299.

[2] Cf. *The Political Life of Our Time*, by David Nicol, vol. ii., p. 134, *et seq.*, for an intelligent analysis of the English, Scotch and American banking systems.

CHAPTER IV

EMANCIPATION

THE course of political events was influenced by the failure of our generals to meet the expectations of the people, the responsibility for which could not be escaped by the administration; by divisions in the Cabinet, which invited the criticisms of the press; by conflicts in Congress and among the people over the ever-present slavery problem; and by the wanton and unnecessary use of the power to arrest without trial, which aroused the apprehensions of thousands as to the final effect of such constant invasions of personal liberty. Of all these that party in the North which had ever been dominated by the aristocracy of the South, and the control of which had now been seized by politicians who openly sympathized with the leaders of the rebellion, took advantage and conducted an aggressive campaign against the party in power, whose voting strength was largely represented by the soldiers engaged in the work of suppressing insurrection. In all human probability if McClellan had entered Richmond, the attempt to revive the Democratic party in the free States, begun in the winter, would have failed. The want of decisive military results prolonged the war, and with the prospect of the enforcement of the conscription law in reserve there was the foundation for an opposition party, even without taking into consideration the burning subjects of confiscation and emancipation. To reach the leaders in the rebellion without touching slavery—that was the question. The prejudices of centuries presented an almost impassable barrier. When these

failed the Constitution was invoked as a protection. You might confiscate the rebel's money, his horses and mules, but his slave not at all. African slavery was a divine institution regulated by municipal law, and over it, though it threatened the destruction of the government, was spread the ægis of the Constitution. Senator Garrett Davis of Kentucky wanted the rebel leaders punished. "Those that are impenitent and incorrigible, and continue to be so, I want punished. They cannot live in the same country with Union men. They must come back and submit to the laws and live as quiet citizens, or they must perish upon the gallows or go into exile." Kentucky wanted a law to accomplish that. "I am ready to vote for it; but not to free their slaves, not to free any slaves, because Congress has no power to do that." Forfeiture of life or property, banishment for the impenitent rebel, but the system for which he became a rebel should endure as a rock! It all seems strange, doubtless, to the younger generation. To the men of the time the problem presented evils whichever way it was examined.

> This forfeiture [said Senator Davis] may operate to the disenthralling of three million five hundred thousand negroes. It is only necessary to state the proposition that it may strike every man's mind as true, whether he has practical observation and experience on the subject or not, that it is utterly impossible, in the cotton States especially, for the negro population and the white population to remain and live together, both being free. It would be better altogether, if the two races are to remain, that the black race should be in a state of slavery, and that the whites should have the mastery.[1]

Indiana was deemed to be a safe State in which to launch the new political venture on the anniversary of the victory of New Orleans. The reader may be amazed at the audacity of peace men, in a time when secessionists were seeking to destroy the Union, in invoking the name of Andrew Jackson, who arrested, imprisoned and banished Judge Hall for issuing the writ of *habeas corpus;* who crushed nullification in South Carolina and denounced secessionists as traitors, and whose

[1] *Cong. Globe*, Thirty-seventh Congress, p. 1780.

will, when President, was the law. But the history of political parties abounds in such inconsistencies. By parading the virtues of heroes long enough dead to obtain a place in the saints' calendar, one's lack of virtue and patriotism may escape exposure. Insidious treason, during the war, appealed to Jackson's fame and Jackson's principles as evidence of the purity of its own purpose, and of the soundness of its own teachings, but sulked in the shadows of night when giving them practical application.

In the absence of sixty thousand loyal sons of Indiana on the battle-fields, five hundred "sympathizers" ventured to meet in convention in Indianapolis on the 8th of January, 1862, and cheer such sentiments as these uttered by John G. Davis:

> Under no circumstances could he be induced to vote for sustaining the present administration in any form, or vote for the unconditional prosecution of the war.
>
> At heart Lincoln was as rotten to-day as ever, and not only rotten, but miserably corrupt; and not only corrupt, but unfortunately a weak man.

The resolutions adopted were in much the same spirit. The restoration of the Union, they declared, could only be accomplished by the ascendency of a Union party in the South, which by counter revolution should displace those who controlled and directed the Southern rebellion. Who would have consituted the Union party of the rebellious States? The able-bodied men forced into the armies of the Confederacy by conscription? Had any dared to utter Union sentiments within its military lines his life had been instantly forfeited. And yet throughout the remaining years of war the loyal Governors and the people of the Northern States had to fight this formidable opposition while fighting its allies in arms in front. That the undertaking was successful was due in large measure to that portion of the Democratic party who placed country before party and held firmly in that way in their acts, which were equal to the demands of the highest patriotism and broadest statesmanship.

When it was proposed to abandon the Democratic party and form a conservative party to resist the growing sentiment in favor of confiscating the slave as well as other property of those engaged in rebellion, Mr. Vallandigham denounced the scheme and by vigorous resistance defeated it. He boldly assumed the responsibility of preparing an address to the Democracy of the United States which only fifteen members of Congress could be induced to sign, but others participated in the party action which this foreshadowed. One looked in vain for any words condemning the rebellion, or the despotic power in the seceded States which held the masses of people in thrall. It declared the immediate issue to be "to maintain the Constitution as it is and to restore the Union as it was," which from the point of view of the signers of the address meant the restoration to power of a faction who believed in the constitutional right of a State to secede at will and in the divine right of holding their fellow men in bondage. There was a demagogic appeal to party prejudice in the revival of an old slander—"The bitter waters of secession flowed first and are still fed from the unclean fountain of abolition,"—made to apply to the Republican party. The signers counted on the ignorance of their followers. Messrs. Yancey and Mason, rebel envoys, in their letter to Lord John Russell, said: "It was from no fear that the slaves would be liberated that secession took place. The very party in power has proposed to guarantee slavery forever in the States if the South would but remain in the Union."

Congress opened up a broader view to foreign nations of the purpose of the men engaged, without distinction of party, in prosecuting the war for the Union to stamp out the idea that there could be property in man. Who could not see that the logical outcome would be universal emancipation? In the confiscation act necessarily the property right was recognized.[1]

As the planter in rebellion made no discrimination between

[1] This was an act to punish treason, and to punish persons guilty of acts inciting to and aiding rebellion. It provided also for the employment of Africans in the military service, and for amnesty for citizens subject to rebellion.

his ass and his slave, why should the United States? Why should not both equally be subjected to the war power? The suggestion brought into opposition a majority of the loyal men representing the States of Virginia, Kentucky and Missouri in Congress—so deeply implanted was the habit of deferring to the *sensibilities* of slaveholders. Mr. Lincoln had not done that exactly: he had simply respected the prejudices of the Union men of the border States when he approached the subject of slavery. Looking to the preservation of the Union as the paramount object, he labored to commit the border States to the cause which was before all other interests. Their constitutional rights were regarded, but foreseeing the inevitable result of the friction of war he recommended, on the 6th of March, the adoption of a resolution promising the coöperation of the general government with any State that might adopt a gradual abolishment of slavery. And later, while vetoing General Hunter's proclamation liberating the slaves of secessionists in Carolina, he appealed to the people of the slaveholding States to take a calm and enlarged consideration of the signs of the times, "ranging, if it may be, far above personal and party politics." The change contemplated "would come gently as the dews of heaven, not rending or wrecking anything." Would they not embrace it? And then he concluded in two brief sentences, the beauty and pathos and wisdom of which time has confirmed: "So much good has not been done by one effort in all past time as in the providence of God it is now your high privilege to do. May the vast future not have to lament that you have neglected it." But they hardened their hearts and would not see.

Mr. Lincoln was undoubtedly sincere in arguing that gradual emancipation was wiser for all concerned than immediate and unconditional emancipation by the war power.[1] The plan he urged upon the attention of the border slave States in language "winged with the fervor" of consuming patriotism and love might be made a means for terminating hostilities and

[1] Mr. Garrison dissented: "Ethically and pecuniarily immediate emancipation is better for all parties."—The *Liberator*, March, 1862.

restoring the Union. The reasons are obvious. He pressed upon the attention of the Southern people the avowed principles of one of their former great leaders—of that Henry Clay whose memory they professed to revere. Might those principles be revived in that section? Thus in a message announcing that he had signed a bill for the abolition of slavery in the District of Columbia, the President said: "I am gratified that the two principles of compensation and colonization are both recognized and practically applied in the act." Again, in May, 1863, in a conversation with Mr. James Taussig and others representing the radicals of Missouri, Mr. Lincoln said that the Union men of that State who were in favor of gradual emancipation represented his views better than those who were in favor of immediate emancipation.

It must be confessed that Mr. Lincoln's cautious policy relating to slavery, like his cautious policy in dealing with McClellan, created irritation and a feeling of disgust in many quarters. Senators complained that he did not use the power Congress had placed in his hands—that he did not execute the confiscation laws. Some believed that he wished to take to himself the whole credit of emancipation, leaving unrecognized the work of the legislative department. We are certain that there are those still living who cherish this feeling. And yet the anti-slavery policy of Congress stopped short of complete emancipation. Its limitations will be understood from this clause of the act itself:

> All slaves of persons who shall hereafter be engaged in rebellion against the government of the United States or who shall in any way give aid or comfort thereto, escaping from such persons, or deserted by them and coming under the control of the government of the United States, and all slaves of such persons found or being within any place occupied by the forces of the United States, shall be deemed captives, shall be forever free of their servitude, and not again held as slaves.

Faithfully executed, this act would have rendered slavery in districts not touched by it practically valueless. The prospect

of such an effect, and the provision for the seizure of estates, money and credits, declaring null and void all sales or transfers, aroused the bitter hostility of conservatives and invited the consolidation of anti-war Democrats referred to above. The law struck at the leaders of the rebellion, and not at the masses of the citizens of the Southern States, who were amply protected by a provision for amnesty. While it is true that the power it had conferred on the President, if exercised, would have destroyed slavery, yet there was a discretionary power left to the President. He chose to bear the reproaches of his party friends rather than to startle the men of other parties working with him and to risk rousing latent party passions. He witnessed, with apparent complacency, the officious zeal of commanding officers in returning to slavery the contrabands who escaped to our military lines; and in furnishing guards of soldiers to protect the property of secessionists, even though the national troops were sorely in need of the very supplies thus protected and reserved for the confederate government.[1] It is not to be wondered at that these facts, known to the soldiers and their friends at home, gave rise to bitter feelings, and intensified the radicalism which Mr. Lincoln was resisting.

Congress met the first-named difficulty by enacting a new Article of War, which prohibited all officers in the military or naval service from returning fugitive slaves. Thus to the Thirty-seventh Congress must be given the credit of this proper rule; of a law forever prohibiting slavery in the territories; of a law authorizing the appointment of diplomatic representatives to Hayti and Liberia; of a law for the care of Africans taken from slave ships; of the far-reaching confiscation act, and of the act abolishing slavery in the District of Columbia, which was signed by the President on the 16th of April.

This last act challenged the attention of foreign governments to an extent that influenced the London *Times* to declare that

[1] Correspondence of Major W. D. Bickham, Cincinnati *Commercial*, June 13, from the army of McClellan.

the 16th of April, 1862, was a day which would stand in American history as the greatest day since the Declaration of Independence—the day of this century which would be honored through all time, whatever might be the destiny in store for the Republic. Because, declared the *Times*, "on that day the people of the States ceased to be a slaveholding nation"—ceased to be the subject for the scorn of the world, on account of the contrast between its profession and its practice. Deprived of national sanction and support, and exposed to the condemnation of the American government, together with all other governments, slavery "could not long sustain itself under the scorn and loathing of human society." There was a note of warning in this to the confederate envoys in Europe. Thousands of Americans, fervently thanking God, exclaimed with Whittier, "I can now lift up my head without shame in the face of the world." [1]

Besides the various acts relating to slavery; regulations for the army and navy; and the very important financial and revenue laws for carrying on the war, which alone make the first and second sessions of the Thirty-seventh Congress great in history,—a record resplendent for patriotism and for practical statesmanship,—there were other acts calculated to work radical changes in the condition of the country. The Union Pacific Railroad Company was incorporated,—legislation introductory to extensive and not wisely considered schemes for opening up and improving the vast domain lying west of the Mississippi, which was unfortunately amended in 1864 so as to make the government-aid bonds a second lien on the property.

Public lands not exceeding thirty thousand acres for each Senator and Representative in Congress were apportioned to the several States for the use of colleges in which special attention was required to be given to such branches of learning as are related to agriculture and the mechanic arts—the funds arising from the sale of such lands to be invested in United States stocks, or other safe securities including State stocks,

[1] Letter to Sumner. Pickard, vol. ii., p. 440.

yielding not less than five per cent. Provision was made for establishing at the seat of government a Department of Agriculture—the head of which has recently been made one of the constitutional advisers of the President. Provision was also made for reducing the expense of the survey and sale of public lands. An act was passed to punish polygamy, which was designed to accomplish in the case of the second of the "twin relics of barbarism" what the military power was expected to do with slavery. An iron-clad oath of office was prescribed for persons elected or appointed to any office of honor or profit under the government of the United States. And the Senate of the United States expelled from his seat Jesse D. Bright of Indiana for aiding the rebellion, and refused to expel Senator Powell of Kentucky for entertaining sentiments of sympathy for the Southern confederacy, although it was assured by the Legislature of that State that Mr. Powell did not represent the Unionism of Kentucky, and urged by his colleague, Garrett Davis, to do so. The distinction marked the moderation of the majority.

When the members of Congress returned to their homes they found the people depressed and anxious. They found, also, that there was an old-time activity among Democrats, and that the unanimity of the community before prevalent had given place to fault-finding and bickering. The effort to reorganize the Democratic party in opposition to the administration originated with Clement L. Vallandigham, as we have seen, who gave to the cause all the ardor of a bold spirit and all the passion and fire of an intense partisan. He visited Philadelphia, New York and other cities, in which he roused a good deal of enthusiasm for his plan of party operations. Knowing the hold old leaders have on the people, he adroitly managed to have present at the Ohio Democratic State convention, which assembled at Columbus on the 4th of July, several who were most highly respected, who participated in the proceedings. The platform, prepared by Allen G. Thurman, was constructed with great shrewdness. This resolution preceded others of a partisan character:

Resolved, That every dictate of patriotism requires that in this terrible struggle in which we are engaged for the preservation of the government, the loyal people of the Union should present an unbroken front, and therefore all efforts to obtain or perpetuate party ascendency by forcing party issues upon them that necessarily tend to divide and distract them, as the Abolitionists are constantly doing, are hostile to the best interests of the country.

Having now laid bare the sin of Mr. Garrison and his squad of non-voting citizens, the Republicans were held responsible for it. But the Republican party in Ohio was abandoned the day Sumter was fired upon. There was a Union party constituted of loyal Democrats and Republicans. The Governor of the State was a Democrat who had presided over the last national convention of the Democratic party. Why not sustain him? Was it because he was engaged in dealing blows at armed rebellion? Or, because he was filling up decimated regiments at the front and caring for sick and wounded soldiers?

The resolutions condemned the acts of confiscation and emancipation as unconstitutional, as calculated to turn Union men in the South into rebels, prolong the war, afford a pretext for foreign intervention, and render the restoration of the Union impossible. If there were any Union men in the seceded States, they were performing the duty of soldiers. They were a part of the armed force the government was seeking to overcome. Counting on the ignorance of many and the influence of race prejudice, they appealed to this mean passion of the white man. Emancipation would throw upon the border free States an increased number of negroes "to compete with and underwork the white laborers of the State." They would deem it most unjust to the gallant soldiers to see them compelled to free negroes of the South, "and thereby fill Ohio with a degraded population to compete with these same soldiers upon their return to the peaceable avocations of life." Of all of the tricks of the demagogue this appeal to race feeling is the most reprehensible.

The Democratic State convention of Pennsylvania, which was held on the same day, struck the same chord. The proposition to fill the North with the slaves of the South, to enter into competition with the white laboring masses, "is insulting to our race and merits our most emphatic and unqualified condemnation." In Indiana and Illinois there was expressed a determination to exclude negroes from the State. The government was given to understand that the support of those two States could not be had to prosecute an abolition war. In all of these connections the real animus appeared in the speeches of the occasion, and it was that of indiscriminate and reckless warfare upon the administration.

With some this had no other meaning than party opposition. With Vallandigham and others it had a definite purpose. Why should every man in the North, asked Fernando Wood, one of the most active of this class, be determined to crush out the South and its system of labor?

> We should try to bring them back to the Union to the support and maintenance of the flag. We must have constitutional legislation in the North, and to effect that must send to Congress proper men. We must put down all questions of slavery, of finance, of tariff, until the Union is restored. We must go into the South with the sword in one hand and the olive branch in the other. We have had blood enough; we must have peace.[1]

In the Empire State the Democratic managers were cautious and respectful when referring to the administration, and expressed their "willingness to withhold their views upon all questions not rendered imperative by the imperilled condition of the country"—which might mean much or little. The hand of Samuel J. Tilden is discernible in this Democratic movement which placed Horatio Seymour in the Governor's office and the State in antagonism to the administration—an untoward event that seriously embarrassed Mr. Lincoln.

The tone of the Union conventions of the West suffered no

[1] Chicago *Tribune*, May 25th.

abatement of patriotism because all that the most sanguine had hoped for had not been accomplished in a twelvemonth. War Democrats and Republicans continued to coöperate and refused to permit differences to lessen their zeal. The call for three hundred thousand additional men, which was concerted between the President and the Governors of the loyal States in midsummer, was accepted as the proper thing by all who were committed to the prosecution of the war. Danger could arise only from party divisions. That staunch Democrat, Joseph A. Wright, who had been appointed by Governor Morton to fill the seat in the United States Senate from which Jesse D. Bright had been expelled, did not agree with Mr. Tilden of New York that an opposition party could be safely tolerated during a period when the life of the government was the stake. "Party creeds and party platforms," said he, "will divide us, and thus paralyze the arm of the government." Already a secret political organization was being formed in Brown and other counties of Indiana, for the ostensible purpose of resisting the payment of direct taxes in support of the war,[1] which soon assumed a distinctive name and formed a rebellious purpose, and extended its influence into the adjoining States, thereby becoming a powerful auxiliary force in support of the confederate cause.

It must not be supposed that because the Union party presented an unbroken front there was an absence of dissatisfaction among the people. On the contrary, there was a state of agitation in every community. There was a feeling that the government did not employ all of its resources, and that the generals who struck the hardest blows were not in favor. A well-known Union man of Whig antecedents, on being chided for voting the Democratic ticket in October, 1862, said in justification, "The government *is* not in earnest."[2] This feeling found expression in a class of newspapers represented by the Cincinnati *Gazette* and the New York *Tribune*, and in many private letters passing from loyal friend to loyal friend.

[1] Letter of Judge James Hughes of Bloomington, June 16th, to Gov. Morton.
[2] Remarks of Senator Wright of Indiana, Dec. 11, 1862. *Cong. Globe*, p. 64.

The language of one written by a member of the Cabinet, unwisely made public, may be quoted as fairly representing all:

> Under the influence of a short-sighted notion that the old Union can be reconstructed, after a year's civil war of free States and slave States, just as it was, the President has hitherto refused to sanction any adequate measure for the liberation of the loyal population of the South from slavery to the rebels. Hence we are fighting rebellion with one hand and with the other sanctioning its vital elements of strength. Then we have placed and continued in command generals who have never manifested the slightest sympathy with our cause, as related to the controlling question of slavery. These naturally have never been more than half in earnest; and, instead of their being impelled to the most vigorous action, their influence has been suffered to paralyze in a great degree the activity of the administration.[1]

Delegations of clergymen unquestionably representing the sentiment of church membership pressed upon the President the importance of emancipating the slaves. Until a fatal blow should be struck at that evil, success would not reward the Union armies. This was the conviction of a vast number of earnest Christians. Mr. Greeley on the 19th of August in a letter entitled *The Prayer of Twenty Millions* urged a policy of emancipation and denounced all attempts to put down a slaveholders' rebellion without touching slavery as "preposterous and futile." Mr. Lincoln's reply to Mr. Greeley is one of his most famous papers. "If I could save the Union without freeing any slave, I would do it; if I could save it by freeing all the slaves, I would do it, and if I could save it by freeing some and leaving others alone, I would do it." To the Chicago clergymen who visited him on the 13th of September, he said before dismissing them: "I have not decided against a proclamation of liberty to the slaves, but hold the matter under advisement. And I can assure you that the subject is on my mind, by day and night, more than any other. Whatever shall appear to be God's will I will do." It is known

[1] S. P. Chase to Judge A. S. Latty, Sept. 17, 1862.

that he had already prepared a preliminary proclamation of emancipation before these public utterances which left the subject undetermined, and was waiting a fitting occasion on which to issue it. That came on the 22d of September, five days after the victory of Antietam. Sagacious beyond most men, Mr. Lincoln read the meaning of the Democratic party revival. In the face of this danger he could not prudently longer disregard the wishes of that larger class of Northern citizens who had given him from the first the most loyal support. He therefore resolved to strike a blow that should resound throughout the world and compel men to choose between the Union and slavery.

This September proclamation was notice of a solemn purpose at the expiration of one hundred days to declare that "all persons held as slaves on the 1st of January, 1863, in any State or parts of States then in rebellion, should be then, thenceforward, and forever free." The President also announced his purpose to recommend to Congress another proffer of national aid to any States which should "voluntarily adopt immediate or gradual abolishment of slavery within their respective limits."

The country was startled rather than electrified by this unexpected announcement. Many who had hoped for the overthrow of the cause of the war were uncertain as to the effect of the act of the President at this time. The newspapers reflected the political bias of their editors. "It is the beginning of the end of the rebellion," declared the New York *Tribune;* "the beginning of the new life of the nation." The *Herald* said, "The people of the South must see that the rebellion cannot succeed." "The wisdom of the step taken," said the *Times,* "is unquestionable; its necessity was indisputable." "Slavery is an element of strength to the rebels if left untouched; it will assuredly prove an element of weakness to them and their cause, when we make such use of it and its victims as lies in our power." The *Post* believed that the 22d of September, 1862, would thereafter be a day to be commemorated with peculiar honor.

The *Journal of Commerce* reflected the conservative

Democratic sentiment when it declared that the President had yielded to the radical pressure and issued a proclamation. "We have only anticipations of evil from it, and we regard it, as will an immense majority of the people of the North, with profound regret."

The apprehensions of the conservative Unionists of Kentucky were fairly expressed by George D. Prentice of the Louisville *Journal*, who denounced the proclamation as wholly unwarranted and pernicious—a mere *brutum fulmen*—that would prove only too effective for the purposes of the enemy. But his opposition was accompanied by a patriotic declaration, which one looks for in vain in the files of his Democratic contemporaries of the North: "Kentucky cannot and will not acquiesce in this measure. Never! *As little will she allow it to chill her devotion to the cause thus cruelly imperilled anew.*"

Two days after the country had been surprised by the emancipation proclamation another proclamation relating to arbitrary arrests and the suspension of the writ of *habeas corpus* was issued, which was employed by the enemies of the administration to create popular prejudice. The President himself had not up to this time directed any general suspension of the writ. Authority had been given in special cases, as at Key West and Baltimore. Arrests had been made by direction of the Secretary of State and the Secretary of War indiscriminately, until the 14th of February, 1862, when an order was issued transferring the control of the whole matter to the War Department. A commission, appointed by the Secretary of War to examine into the cases of the state prisoners, released from custody a large number on their taking the oath of allegiance. Arrests continued to be made by direction of Secretary Stanton from time to time. In some of the courts into which these cases were brought, the ground was taken that, although the President might have authority under the Constitution, when in times of rebellion or invasion the public safety should require it, to suspend the writ of *habeas corpus*, he could not delegate that authority to any subordinate. To meet this doubt the proclamation was issued.

It provided that during the insurrection, and as a necessary measure for suppressing the same, "all rebels and insurgents, their aiders and abettors," and "all persons discouraging volunteer enlistments, resisting military drafts or guilty of any disloyal practice affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by courts-martial or military commission." The writ of *habeas corpus* was suspended in respect to all such persons, then or thereafter in confinement, by any military authority, or by the sentence of any court-martial or military commission. This proclamation was accompanied by orders from the War Department appointing a Provost Marshal General, whose headquarters were to be at Washington, and who was to be represented by deputy provost marshals in the several States, charged with the duty of arresting deserters and disloyal persons. The politicians did not fail to represent this as a system of tyranny spread as a net over the people of the States.

Conservative men of different type actuated by higher motives called in question this exercise of power. Benjamin R. Curtis, an eminent member of the bar, who had once adorned the highest judicial tribunal of the land, in a pamphlet issued soon after the proclamation appeared, censured the administration in severe terms and denied the constitutionality of the proclamations. Opinion emanating from such a source had great weight. The regrettable feature of it was that it proved to be a weapon forged to the hand of that class of sympathizers with rebellion who refused to vote a man or a dollar to sustain the government.[1] Through its use by this class ignorant and weak men were incited to a course of opposition to the government, culminating in some instances in overt acts of treason. This resulted inevitably from the revolutionary conditions then prevailing, and could in no wise be cited to impeach the motive of one who brought the acts of the Commander-in-Chief to a constitutional legal test. Military

[1] For example see speech of Senator Powell of Kentucky, Dec. 11, 1862. *Cong. Globe*, p. 67.

law, enacted for the government of the army and navy, Judge Curtis declared, could not rightfully be used to control the person or the property of the citizen. Nor could the President extend martial law, which was the will of a military commander, operating without any restraint save his own judgment, upon the lives, the property and the social condition of the citizen in connection with some particular military operations, over the entire country. Since Charles I. lost his head there had been no king in England who could maintain such a law in that realm. Where was there to be found in our history or our constitutions any warrant for saying that a President of the United States had been empowered by the Constitution to extend martial law over the whole country, and to subject thereby to his military power every right of every citizen? He had no such authority. Such a power "no free people could confer upon an executive officer, and remain a free people. For it would make him absolute master of their lives, their liberties, and their property, with power to delegate his mastership to such satraps as he might select, or as might be imposed on his credulity or his fears."

The effect of the proclamation, issued on the eve of the October elections, was to accelerate the tendency to reaction which had been foreshadowed by the election in Maine, where the majority for Governor had been largely reduced, and where for the first time in ten years a Democrat had been returned to Congress. It was evident from the result in the great October States of Pennsylvania, Ohio and Indiana that party spirit had resumed its sway over the people, and that New York and Illinois were pretty certain to vote against the administration in November. This prediction was unfortunately verified by the ballots. The President's own State, despite the efforts of his friends in the canvass and appeals to State pride, gave a majority of seventeen thousand for the Democratic ticket, elected an opposition Legislature, and returned eleven Democrats to Congress out of a delegation of fourteen. The Unionists of New York had put in nomination for Governor, General James S. Wadsworth, one of the best brigadier-

generals in active service, whose former political associations had been with Silas Wright; and for Lieutenant-Governor, Lyman Tremaine, another eminent citizen, who was also of the Democratic school. The success of the ticket headed by Horatio Seymour by a majority of 10,752 in a total vote of 602,546 showed how sharply the contest was waged. The administration party had lost largely by enlistments, and yet their opponents won only by a narrow margin in the first State in the Union.

In Ohio William W. Armstrong was elected Secretary of State by a majority of about 5500 in a total vote of 363,087, which was the average majority of the State ticket. Mr. Armstrong was of the Democratic school of Judge Ranney, who was elected to the Supreme bench and was known to be in favor of the prosecution of the war. There was little to regret in the election of State officers. But the administration was seriously wounded by the result in the Congressional districts. The Unionists prevailed in only five of the nineteen districts. The loss of William S. Groesbeck in the First, John A. Gurley in the Second, Samuel Shellabarger in the Seventh, and of John A. Bingham in the Sixteenth was a national disaster. The opponents of these able representatives of the Union cause succeeded only by professing to be in favor of a more vigorous prosecution of the war. This was notoriously true in the Second and Seventh districts. The successful candidates proved the insincerity of their pledges early in the Thirty-eighth Congress, and were not again trusted by their constituents. In Indiana the Unionists carried but three districts out of eleven, and lost the State by a large majority. Michigan was saved to the administration by the exertions of Senator Zachariah Chandler, but by a reduced majority. Wisconsin went Democratic by two thousand majority. The States of Iowa, Kansas, Minnesota, Missouri, California and Oregon, and the New England States stood by the administration. In the following year, the border slave States—Kentucky, West Virginia, and Maryland—justified the pledge of the Louisville *Journal*, and by their elections added to the

strength of the administration. A working majority was secured in both Houses, and thus the scheme to paralyze the government by withholding appropriations was defeated.[1]

The command of the Army of the Potomac was pressed upon General Burnside by the President, who was never at such disadvantage as when searching for a competent general. Without military knowledge himself, he knew nothing of the relative standing and ability of the officers of the regular army, and trusted to such information as others communicated to him. He liked Burnside for his manliness, fidelity and energy. He might do. In his hands was placed the fate of the army. General Burnside moved down the Rappahannock opposite Fredericksburg, where he confronted General Lee's army on the 16th of December. He crossed the river and assaulted the enemy in his fortifications, suffering a terrible defeat with a loss in killed and wounded of over ten thousand men. A profound feeling of discouragement pervaded the North, and made the winter of 1862–3 the gloomiest of the whole war.

The insubordination among the officers in the Army of the Potomac, so fatal to the country when General Pope was valorously contending with Jackson and Lee, became more prominent upon Burnside's failure. A number of the officers carried their criticisms to the President and members of the Cabinet. General Burnside, indignant, would have dismissed them all. When he took to the President an order for that purpose, the latter, declining to approve it, assigned him to the command of the Department of Ohio, with headquarters at Cincinnati, and designated as his successor, General Joseph E. Hooker, one of the most outspoken of his critics, who, in a few months, through bitter experience, himself learned how grateful are patience and charity when one is charged with great responsibilities.

[1] There is no doubt but that this treasonable purpose was entertained by some. The remarks of Fernando Wood and of Davis of Indiana have already been given. Mr. Noxon, who presided over a convention held in Troy, N. Y., said: "Let us stop this war. We shall not get rid of it unless we have a change in our members of Congress."—*Life and Letters of Roscoe Conkling*, p. 182.

CHAPTER XVI

THE PEACE DEMOCRATS—KNIGHTS OF THE GOLDEN CIRCLE —WEST VIRGINIA A STATE

WE are now at a stage in the history of the rebellion when the greatest peril at home threatened the life of the Republic—when even loyal hearts daily looked Despair in the face—when that faction of the Northern people who hated the negro and sympathized with the Southern confederacy, encouraged by the formidable military power confronting the Union armies at every point, organized secretly for the purpose of stopping enlistments, of reducing the financial resources of the government, and of bringing about a union between the Northwest and the South—when the leaders of the Democratic party, placing party before their country, made the emancipation proclamation a pretext for an open avowal of their hostility to the government, and a justification for opposition to legislation to promote the prosecution of the war. If, therefore, the government should fail to put down the secession movement; if the hour of calamity should come when the home of the free would be given over to wreck and ruin, the responsibility would be upon the heads of factionists and traitors in the North. Allies and emissaries of the enemy were found everywhere—appearing in different guises, but cooperating in the same nefarious work. Sometimes, said a Senator, "the government is attacked in the name of Democracy; sometimes fault is found with arrests; sometimes the army is opposed; but the effect of all these attacks results in the accomplishment of the same bad end, the destruction of the

government."[1] This was indeed a period of gloom, but it was the darkness before a glorious dawn. The difficulties confronting the government stimulated the loyal people to greater effort, made sacred the dearest sacrifices, and in their unity consolidated an irresistible moral force which overcame all obstacles.

The time had come to strike at the cause of the war. Mr. Lincoln, fulfilling the promise he made in September, in his annual message proposed a constitutional amendment to provide compensation to every State that should abolish slavery before the year 1900; compensation to the loyal owners of slaves who had become free by the chances of war; and for colonizing free colored persons with their own consent without the United States. Thus the Southern people had before them the proposition for peaceful liberation and compensation during a period of thirty-seven years on the one hand, or the alternative of emancipation under the war power on the other. Mr. Lincoln's course had been consistent from the beginning. It is not likely that he any more than the mass of Americans perceived the magnitude of the social and political revolution that was being wrought out by the war. He had followed the lights afforded by his political education. He believed that slavery was an evil, but an evil to be slowly eradicated so that harm might not come to any class. Gradual emancipation would save the negroes from the vagrant destitution which it was believed must attend immediate emancipation in the localities where their numbers were great. The South had not been more responsible for the origin and perpetuation of slavery than the North, and justice required that the sacrifice of the property interest involved should be at a common charge. If he shared the prevalent feeling that freedmen in the United States might become as shiftless as their kin in the West Indies, he defended them from the imaginary charges which were used to excite the opposition of ignorant white people. Would their presence displace white labor? "If they stay in their old places, they jostle no white laborers; if they

[1] Speech of Senator Wright of Indiana in reply to Senator Powell of Kentucky. *Cong. Globe*, Jan., 1863.

leave their old places, they leave them open to white laborers. Logically there is neither more nor less demand for labor." But colonization, which he strongly favored, was a means by which the conflicts of race might be regulated.

The "excepted parts"—the border States including West Virginia, the eastern shore of Virginia, the cities of Norfolk and New Orleans, several Louisiana parishes and the State of Tennessee—described in the final proclamation of January 1, 1863, showed a part only of what the political policy and the army and navy of the administration had done in eighteen months to defeat the hopes of the confederates. The blockade of the sea-ports was fairly effective, while the proclamation of freedom was calculated to embarrass any British ministry attempting to intervene in the American contest. At home the majority of the people, enlightened by the logic of events, would soon reach the conclusion already formed by the class of advanced thinkers, by the administration and by the soldiers in the field, that nothing short of the undoing of the system of slavery could compensate for the sacrifices, and render possible a permanent restoration of the Union.

Persons who were never sincerely in favor of prosecuting the war, and who had sought an excuse to attack the administration, found it in the proclamation of freedom. It was seen that slaves could be emancipated only within the reach of the liberating power, and that without military successes greater than any yet won by the national forces the proclamation would fail of its purpose. There was a concentration of influences to thwart the administration in the expectation that there would be failure. The commingling of conservative men who objected to arrests without trial within loyal States, or who opposed the emancipation proclamation as unconstitutional, and of avowed peace men and secret traitors who, as allies of the Confederacy, were laboring to destroy the government, is one of the most extraordinary facts developed in our "storm and stress" experience. Men of the school of James Buchanan could find no power in the Constitution for defending the life of the government against States in rebellion; and

there were persons who wanted to save the Union, who would limit the powers of the Commander-in-Chief in a time of war. Horatio Seymour, who in January succeeded Edwin D. Morgan as Governor of New York, while conceding that the opponents of the government were bound to respect the President's constitutional rights, to uphold his powers and to sustain his acts done within the limits of rightful authority, left it to the opposition to determine the lawfulness of the President's acts and where the obedience of the citizen became obligatory. Partisan feeling, mayhap lack of sympathy with the prosecution of the war, moved him to denounce the employment of the most vigorous means for the suppression of the rebellion. The Constitution stood in the way of every act that could hurt the power threatening the life of the Republic. And yet the President was required to "preserve, protect and defend" the Constitution. How could he do that in a time of war, unless in his capacity of Commander-in-Chief he should have power to adopt and carry out as to the enemy such measures as the laws of war justify, and as he might deem necessary? But for the servile population of the South, the armies of the Confederacy would not have been so full and formidable as they were. It would seem that the employment of any means to weaken these, not inconsistent with the laws of war, was within the President's function as Commander-in-Chief, and became his highest duty.[1]

Bolder spirits expressed the meaning of the leaders who spoke in the measured phrase of policy, when they denounced the soldiers at the front as "abolition thieves and traitors" who were engaged in a John Brown raid in the country of a people who were "fighting for their constitutional rights."[2] A citizen of Chicago[3] declared that he would suffer death be-

[1] *Cf.* Chas. P. Kirkland's review of the pamphlet of Judge Curtis. Mr. Kirkland quotes the opinion of John Quincy Adams, expressed in 1842, that "in a time of actual war military authority takes the place of all municipal institutions," slavery included, and that "not only the President of the United States, but the subordinate commander of the army, has the power to order the emancipation of the slaves."

[2] Ashland (O.) *Union.*

[3] R. S. Merrick.

fore he would give one dollar or one man to the abolition war carried on under Lincoln's proclamation, which the Hamilton *True Telegraph*, Vallandigham's organ, applauded as the right kind of talk. "The storm is coming down on this administration, and if it is not overwhelmed and buried in the ruin it has wrought we are not prophets." This prophecy bore a striking resemblance to the hopes of the confederates. The peace-at-any-cost men presented many schemes leading to the same sequel—the triumph of secession. Mr. James Brooks, editor of the New York *Express*, who had been elected a member of the Thirty-eighth Congress, proposed that the State of New Jersey should interpose "in order to arrest the existing civil war," by inviting the free and loyal slaveholding States to meet in convention in Louisville in the following February; by sending commissioners, with the permission of the President, to the seceded States to invite them "to meet in like national convention," and by requesting the President "to declare an armistice with or for each State or States, as may accept this call for a national convention."[1]

"Ought this war to continue?" asked Vallandigham on the floor of Congress in January. "I answer no—not a day, not an hour. What then? Shall we separate? Again I answer no, no, no!" Had this question a hidden meaning? Speaking for the Northwest Mr. Vallandigham declared: "We cannot, ought not, will not separate from the South. We must and will follow the Mississippi River with travel and trade, not by treaty but by right, freely, peacefully and without restriction or tribute, under the *same* government and flag, to its home in the bosom of the Gulf."

It was a favorite plan of the secession Democracy to cut off New England and unite the West to the destinies of the slaveholding aristocracy. New England's offence was this: She loved liberty too well.[2] To consummate this scheme of division a state of anarchy in the North was necessary. It was

[1] Resolutions presented and adopted at a mass meeting in New York City, Dec. 30, 1862.

[2] Speech of Gov. Morton at Pike's Opera House, Cincinnati, Feb. 23, 1863.

the mission of the Sons of Liberty and of the Knights of the Golden Circle to bring this about. Therefore, whatever gave rise to faction, whatever embarrassed the government and impeded the march of the national troops, helped to promote the scheme. Mr. Vallandigham's plan of obstruction was an armistice.

Stop fighting. Make an armistice—no formal treaty. Withdraw your army from the seceded States. Reduce both armies to a fair and sufficient peace establishment. Declare absolute free trade between the North and South. Buy and sell. Agree upon a Zollverein. Recall your fleets. Break up your blockade. Reduce your navy. Restore travel. Open up railroads. Re-establish the telegraph. Reunite your express companies. No more monitors and ironclads, but set your friendly steamers and steamships again in motion. Visit the North and West. Visit the South. Exchange newspapers. Migrate. Intermarry. Let slavery alone. Hold elections at the appointed times. Choose a new President in 1864.

Vallandigham spoke for more than the men banded together under a secret oath to resist the government. "I assure you," wrote one to a leading paper of Iowa, "that every Democrat in Greenfield is opposed to the continuance of this war. Stop it instantly on any terms, is our motto." [1] To stop the war was to recognize the principle of secession—to surrender the hope of national unity. This was understood by every man of intelligence in the North. It was understood in the confederate capital.

It is gratifying to discover [so runs the language of a report emanating from the Committee on Foreign Affairs of the confederate House] that high-spirited and intelligent public men in several of the Northwestern States have, of late, become exceedingly active in their endeavors to discourage and suppress the ferocious war spirit heretofore raging among their fellow citizens, and that their honest and patriotic efforts have been already attended with most marked success.

[1] Correspondence Dubuque *Herald*.

Jefferson Davis, misled by a false report of a confederate victory at Murfreesboro, exclaimed exultingly: "Out of this victory is to come that dissatisfaction in the Northwest which will rive the power of that section; and thus we see in the dawn—first, separation in the Northwest from the Eastern States; then discord among them which will paralyze the power of both; then for us peace and prosperity."

Did this frank avowal cause the desperate politicians of the North to pause in their efforts to cripple the government and destroy the Union armies? Not for one moment. Their infatuation led them to endure the most humiliating taunts from their Southern friends. The Richmond *Enquirer* accepted the Brooks resolutions as evidence that the confederate victories at Richmond, Manassas, Fredericksburg and Vicksburg had turned the tide in favor of peace. But the South would not grant an armistice, would not go into a convention or associate with the Northern people on any terms whatever. When Heaven had vouchsafed the Southern people many crowning victories, when their independence and liberty had been fairly won, the suggestion that all of their sacrifices were to be basely discarded for a connection with Yankees was not endurable, even as a jest! The North could have peace by recognizing the independence of the Southern confederacy. If the States of Illinois, Indiana, Ohio, Pennsylvania, New Jersey and New York were to act on their own account, recall their quotas of troops from the field, and drive the rump government into congenial New England, they could make their own separate treaty or treaties of peace with the South. This was the only mode to escape a gigantic debt fastened on them by New England fanaticism and cupidity. If Illinois and Indiana alone were to act, Lincoln would be powerless to coerce them, and the war would at once break down.[1]

[1] The scorn of the Richmond *Despatch* (January 7th) exceeded that of the *Enquirer*: "President Davis expressed the sentiment of the entire Confederacy, in his speech the other night, when he said the people would sooner unite with a nation of hyenas than the detestable detested Yankee nation. Anything but that —English colonization, French vassalage, Russian serfdom, all, all are preferable to any association with the Yankees."

The Democratic Legislature of Indiana, which had been returned at the October election, inaugurated a bold system of resistance in January, 1863, which came near precipitating civil war within that State. It was treasonable in purpose; in effect it prolonged the war more than a year by the encouragement it gave to the confederate government. On the heads of the desperate and misguided men who entered upon such a course rests the responsibility for the great sacrifice of life and treasure which ensued. During the year 1862 the secret order of the Knights of the Golden Circle had grown to such proportions that it was confidently believed the membership aggregated in the States of Illinois, Indiana and Ohio two hundred and fifty thousand. However that may be, it was a formidable force to be reckoned with in the future conduct of the war. The formation of this secret organization was simultaneous with the revival of the Democratic party. Its members were members of that party. They were elected to office in the townships, in the counties, in the States, and publicly served as Democratic officials. As "Knights" they were banded together to resist the government; as citizens and in their official capacity, within limitations, they obstructed the prosecution of the war.

The result of the elections of 1862 was misinterpreted as the expression of the majority of the people of the Central and Western States in favor of stopping the war, instead of the mere expression of dissatisfaction with the conduct of the war. New York, with 115,000 loyal men absent from the State, was carried by the opposition by only 10,000 majority. What would have been the verdict of the 115,000 soldiers? Pennsylvania, with 100,000 men in the field, gave an adverse majority of 3600. And so the States of Ohio, Indiana and Illinois, where the treasonable organizations were active and where soldiers had no votes, were carried by small majorities. But the vote at the polls was used as the warrant for a political game designed to embarrass and finally to overthrow the government during a time of war.

The Legislature of Indiana refused to receive the message

of the Governor of the State, and as a rebuke to him for his ability and zeal in sustaining the cause of the Union, voted to tender the thanks of the General Assembly to Governor Seymour of New York for the "exalted and patriotic sentiments of his message." Governor Seymour condemned the emancipation proclamation as impolitic, unjust and unconstitutional. In the Legislature of Indiana "the President's unprecedented usurpations of power were held to be a giant stride towards military despotism," and it was proposed that so long as the President "persists in his abolition policy in the conduct of the war . . . Indiana will not voluntarily contribute another man or another dollar, to be used for such wicked, inhuman and unholy purposes." These sentiments were appreciated in Richmond. Jefferson Davis no doubt believed the emancipation proclamation to be unconstitutional, and that its purposes were "wicked, inhuman and unholy." In a special message he declared his intention to "deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces, in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States provided for the punishment of criminals engaged in exciting servile insurrections." Fortunately for humanity and for the South this threat was not carried into effect.

Resolutions were introduced in the Indiana Legislature calling for an armistice of six months, and the assembling at Nashville in June of a national convention to settle all difficulties, which moved the Richmond *Whig* to say: "We of the Confederate States should do what is possible to encourage the growth and ascendency of this spirit." After weeks spent in denouncing the government, the real purpose of the Indiana Legislature was revealed in a bill introduced in the House on the 17th of February, "providing for the organization of the Indiana militia, for a military tax, and for other matters properly connected with the militia of the State." It was designed to take from the Governor all military power, and to place it in the hands of four State officers, three of whom were

members of a secret order, sworn to resist the government. All efforts to amend the bill were defeated, and on its being ordered to be engrossed, seeing that its passage was inevitable, the Union members of the House withdrew. This left that body without a quorum, and thus the infamous scheme to revolutionize the State and to place it on the confederate side failed. The Union members remained at Madison, ready to return to their places if the majority would agree to abandon their revolutionary purposes, but that being refused the session of the Legislature came to a close without having made any appropriations for carrying on the State government, or for the relief of sick and wounded soldiers. The full measure of Oliver P. Morton's greatness as executive and the depth of his patriotism were revealed in this crisis. He became in fact the State. He raised money to support the benevolent and penal institutions, to pay the expenses of the militia called into service to defend the border from invasion, to send sanitary supplies to sick and wounded soldiers in the field and to defend the credit of the State by paying the interest on its bonded indebtedness, which disloyal officials refused to do. Deprived of a treasury, these sums were disbursed with strict honesty through a special financial bureau. Thus was Indiana kept on the side of the government, and thus was success made possible.

While this scheming was in progress meetings were held in different parts of the State to denounce the government and to concert means for resisting the draft. The men who attended these meetings generally wore clothes dyed a butternut color,[1] and carried long squirrel rifles. It was not unusual to hear cheers for Jefferson Davis and curses for Abraham Lincoln. The effect of the speeches at these meetings was to strengthen the determination to resist the government, and to continue the employment of the means which had before been used to destroy the military power in the field. The most dangerous of these means was inciting to desertion under promise of armed protection. It was employed with such in-

[1] Hence the term "Butternut" as applied to one opposed to the war.

dustry that twenty-three hundred Indiana soldiers were induced to desert in December, 1862.[1] Some of the methods employed were described by Governor Morton. Soldiers who returned home on furlough were wheedled and deceived by Knights of the Golden Circle. Those who avowed themselves Democrats were seduced into that conspiracy upon the false plea of reorganizing the Democratic party, and when soured against the government were sent back to spread the poison by organizing new circles. Good, honest men, who came home full of zeal and who intended to return, were thus deceived. They overstayed their time and were publicly disgraced as deserters. "Who," asked the indignant Governor, "is most culpable, the deluded soldier or the hypocritical political villain who deceived him?" John O. Brown, an Indiana soldier, was then under sentence of death for obeying the dictation of politicians who inveigled him. "Which," asked Morton, "was most worthy of death?" The 109th Illinois Regiment, found to be a "Circle," was disbanded by General Grant. Its colonel, lieutenant-colonel, and major, and nine companies out of ten were sworn members of the order. The 1st, 2d, 3d and 5th Indiana cavalry had been affected by it. An artillery company at Indianapolis had been destroyed by it. Witnesses cited to appear before the United States Court claimed their common law right to refuse to testify because they would criminate themselves—refused to testify because they would convict themselves of a conspiracy against the government.[2] Thus this secret order was a public enemy that must needs be throttled or it would destroy the Republic.

The soldiers of Indiana and Ohio in the field were the first to discover the insidious meaning of the revival of party

[1] Many letters were given to the press by indignant soldiers, the purport of which was that "This was an abolition war, and that it was wrong to fight in it; that all of the soldier's relatives thought he should come home, and if he did he had nothing to fear, as they were prepared to protect him, no matter what force was sent to arrest him."—W. H. H. Terrell's *Indiana in the War of the Rebellion.*

[2] Speech of Governor Oliver P. Morton at a meeting of citizens in Pike's Opera House, Cincinnati, Feb. 23, 1863.

politics in 1862–3, and the first to sound the alarm. They appealed in letters to friends at home, and finally in public addresses remonstrated in eloquent and indignant language against the fatuous policy which, if persisted in, could only result in the triumph of secession. Reference to the address of the Ohio soldiers of the Western Army "To the People of Ohio" [1] will indicate the temper of all such addresses.

This address exposed the sophistries of the peace men, who were spoken of in the South as the allies of the Confederacy, and called attention to the fact that physical power had been invoked to destroy the government, and could be overcome only by physical force. If there was honesty and purity in human motives, they were to be found among the long-enduring soldiers. They had offered their lives to save the Republic. Were they now to be deserted at home and dishonored before the world?

> The Army of the West is in terrible earnest—earnest to conquer and destroy armed rebels—earnest to meet force with force—earnest in its detestation of cowardly traitors at home—earnest in will and power to overcome all who desire the nation's ruin.
>
> Ohio's hundred thousand soldiers in the field, citizens at home, potent in either capacity, ask their fathers, brethren, and friends, by their firesides in their peaceful homes, to hear and heed this appeal, and to put an end to covert treason at home, more dangerous now to our national existence than the presence of the armed hosts of misguided rebels in the field.

The soldiers who signed this address had won victories and suffered defeats. They had passed through the awful storm of shot and shell that raged for days near Murfreesboro, joined in the shout of triumph which announced the victory on the 2d of January, and shared with the brave and noble Rosecrans the glory of that great event which made the Army of the Cumberland immortal. They were in deadly earnest, and no pharisaic political philosophy, mawkish sensibility for

[1] Dated Feb. 1st, 1863.

former party associations, or threatened ascendency of the African race, could shake their purpose.[1]

These appeals of the soldiers touched the hearts of the great North and stimulated the loyal people to new and greater effort than before. They found recruits for the thinned ranks of the old regiments, organized new regiments, ministered to the sick and wounded in the hospitals, multiplied supplies which were distributed by the Sanitary Commission or State agents, spent their money freely for the comfort of the brave men and their families, and were equally active in the discharge of their home civic duties, one of which was to see that the foul blows of secret traitors and peace men failed of their purpose. Enthusiastic mass meetings were held in many of the

[1] It was during this period they sang with indescribable jollity the following song composed on the borders of Stone River, in which is condensed the whole argument. Our narrative of the political and armed conflict—blended in 1863 into a desperate struggle between the adherents of national unity and the advocates of a changeable league of sovereign States—would be incomplete without this expression of the sentiments of the Union soldiers:

THE OLD UNION WAGON.

BY M. I. STERLOZIER.

In Uncle Sam's Dominion, in eighteen sixty-one,
The fight between Secession and Union was begun;
The South declared they 'd have the "rights" which Uncle Sam denied,
Or in their Sesesh Wagon they 'd all take a ride.

CHORUS: Hurrah for the wagon—the *old Union Wagon!*
We 'll stick to our wagon and all take a ride!

The makers of *our* wagon were men of solid wit,
They made it out of "Charter Oak," that would n't rot or split.
Its wheels are of material the strongest and the best,
And two are named the *North* and *South*, and two the *East* and *West*.

Our wagon *bed* is strong enough for any "revolution"—
In fact, 't is the "*hull*" of the "old Constitution";
Her coupling 's strong, her axle 's long, and anywhere you get her,
No monarch's frown can "back her down"—no traitor can *upset* her.

This good old Union Wagon, the nations all admired;
Her wheels had run for four score years and never once been "*tired*,"
Her passengers were happy as along her way she whirled,
For the good old Union Wagon was the glory of the world.

important centres. On the 23d of February, in Cincinnati, there was a great popular demonstration in which the people of Indiana participated, which was followed by a mass meeting in the State House yard at Indianapolis on the 26th, where Andrew Johnson spoke at length on the issues of the day.[1] At Cincinnati two large halls failed to accommodate the people. The meeting at Pike's Opera House was presided over by the Hon. William S. Groesbeck. Among the distinguished speakers were Governors Morton and Tod, ex-Governors Dennison and Wright, and Henry Stanbery. Among the songs sung by the Indianapolis Glee Club was one written by T. Buchanan Read, who was present.

But when old Abraham took command, the South wheel got displeased,
Because the *public fat* was gone that kept her axle greased ;
And when he gathered up the reins and started on his route,
She plunged into secession and knocked some " fellers " out !

Now while in this secession mire the wheel was sticking tightly,
Some Tory passengers got mad and cursed the *driver* slightly ;
But Abraham " could n't see it "—so he did n't heed their clatter—
" There 's too much *black mud* on the wheel," says he—" *that 's what 's the matter.*"

So Abram gave them notice that in eighteen sixty-three,
Unless the rebels " dried it up," he 'd set their niggers free ;
And then the man that led the van to fight against his nation
Would drop his gun and home he 'd run, to fight against starvation.

When Abram said he 'd free the slaves that furnished their supplies,
It opened Northern traitors' *mouths* and Southern traitors' eyes.
" The slaves," said they, " will run away if you thus rashly free them ! "
But Abram " guessed, perhaps, *they 'd best go home and oversee them !* "

Around our Union Wagon, with shoulders to the wheel,
A million soldiers rally, with hearts as true as steel ;
And of all the generals, high or low, that help to save the nation,
There 's none that strikes a harder blow than *General Emancipation !*

Sung to the tune *Waiting for the Wagon.* The confederates had a song entitled *The Southern Wagon* which was a favorite in their armies. The Union soldiers wished the destruction of slavery. " I speak what I do know, when I say that the army here is almost a unit for the emancipation proclamation."—Stone River Cor. Cincinnati *Commercial*, Jan. 5., 1863.

[1] Gov. Johnson began to speak at 12 o'clock and closed at 3 in the afternoon. It was estimated that 40,000 people were present.

The speech of Mr. Stanbery was a notable reply to the constitutional objections to the acts of the administration, which some conservative men urged in justification of their course in withdrawing their support from the government. While they were philosophizing the country was perishing. Was the nation made for the Constitution, or the Constitution for the nation? Is not the life more than meat; is not the body more than raiment? The Constitution is the supreme law of the land; but there is one law of the land still more supreme, and that is the safety of the Republic itself—*salus populi est suprema lex.*

These constitutional Democrats say, if the war cannot be carried on according to the terms of the Constitution, it shall not be carried on at all, though the country be lost. He would ask them if they wanted Mr. Lincoln to carry it on according to the Constitution? What would be the consequence? The Constitution says, every man found in arms against the United States, who levies war against the United States, or gives aid or assistance to its enemies, shall be hung. Do these constitutional Democrats want to hang all the Southern rebels, and perhaps some of their own number along with them? Did they find fault with Mr. Lincoln because he did not follow out the constitutional injunction and hang the traitors? He had not done that, but when captured with arms in their hands had sent them back in exchange for our own honest and true men found in captivity. We are obliged to forego constitutional provisions at every step we take in war, so that a profound philosopher of modern times has said well, that at some time to preserve itself, every nation may be bound to violate its own fundamental law.

The resolutions in response to the address of the Ohio soldiers in camp on Stone River, read by Rufus King, are a part of the history of the time, as they exhibit the spirit and determination with which the loyal people of the North thenceforth carried on the war:

Resolved, 1. That the present attitude of our country demands of all patriots that they commemorate this anniversary of the birth of

George Washington by renewed pledges to perpetuate the Union and to remain steadfast to the principles of the man who was "first in war, first in peace, and first in the hearts of his countrymen."

2. That the loyal people of Cincinnati send back to the soldiers of Ohio, on Stone River, greetings of heartfelt admiration and gratitude for their deeds of valor against the enemy, and for their timely warning against the secret foe in our midst. We sympathize in every word of their earnest and burning appeal. With them we proclaim that the South began this war, and it is for the South and not for us, to give it up; and that they who oppose the war or counsel cessation, while there is a hostile camp in the South, are enemies of the Republic, and deserve the jeers and execrations which the rebels hurl back upon them. And, with our brave soldiers, believing that peace is not to be effected by any compromise—that no peace can or ought to be made by any compromise with the perfidious conspirators who have violated all faith and trampled upon all laws—and that this war must be fought out, we declare that we will unfalteringly support and maintain it, and the blood and desolation of this causeless rebellion be upon the heads of those who began it!

3. That their fathers and our fathers wisely and gloriously made this country *one*—and to do it counted not its cost of blood and treasure; their loyal sons will imitate their patriotism, and with the blessing of God will maintain that country inviolate against all foes, at home or abroad, be the consequences what they may.

4. That for us the Mississippi must roll unbroken to the Gulf; nor will we be divided from the East. We will fight this war not only to defend our Constitution and laws, but because we and our posterity have no other security or hope of peace but in the integrity of the territory which God and our fathers united.

5. That submission to the constituted laws and authorities is the only basis of free government and society, and that they who take arms against them without cause, and they who aid, comfort or counsel enemies in war are alike guilty of betraying their country, and in every age have been justly branded with the scorn of mankind.

6. That he who cannot distinguish between his country and its temporary rulers, but would sacrifice or hazard the one from disaffection to the other, is unfit to be the citizen of a free country.

7. That therefore to guard against the dangers of faction and se-

dition which artful men, equally dangerous whether they are actual emissaries and allies of the rebels or not, are striving to foment among us, we call upon all good citizens to mark and frown upon all who persist in this work—to abandon all other distinctions and henceforth, recognize no division but between those who are *for* and those who are *against* the government; and whether the men in power please us or not to sustain them until others are put in their places.

8. That forgetting all party divisions, and owning no other duty in the present crisis than loyalty to the Union, we will unite and act upon the motto of Decatur—"Our Country—may she always be right—but *our Country always!*"

The Union men of the border slave States, although not generally favoring Mr. Lincoln's proposition suggesting emancipation with compensation and colonization, and regarding the proclamation as impolitic, opposed all peace propositions founded upon an armistice. Stopping the war meant placing them at the mercy of vengeful enemies and it also meant their humiliation. The Union men of Kentucky, said John W. Finnell, had seen too much of the shameless conduct of the confederates while in that State to desire to cast their fortunes with the rebellion. While disapproving of the policy of the government they declared "their unfaltering devotion to the Constitution and the Union and their fixed and unalterable purpose to make Kentucky the last State of the Union to desert either."[1] The loyal men of Maryland, said Governor Bradford, had no parties to sustain, no parties to create, no parties to revive. They had but one ambition and one thought, and that was the Union, its restoration, its preservation.[2] An armistice! Peace for a month, for a year, for five years, wars for generations and anarchy to the end of time.[3]

Many Democrats dissented from the efforts of the active leaders of their party to embarrass the government while

[1] Letter to Gov. Crittenden, Jan. 26, 1863. *MS.*

[2] Speech at a banquet given to Gen. R. C. Schenck in Baltimore, Jan. 22, 1863. —Baltimore *American.*

[3] Henry Winter Davis. *Ibid.*

engaged in a war for the Union. "This war must go on," exclaimed John Van Buren, "and those who would attempt to stop it will be carried away by the torrent." The *Missouri Republican*[1] warned the Democratic party that by allowing itself to become the champion or apologist of disunion, it encouraged the South to persist in its original demand and rendered peace more and more remote.

I wash my hands [exclaimed one of the most distinguished Democrats[2] of the day] of that miserable doctrine too often inculcated here, that in such a time as this there is such a thing as loyalty to the government and disloyalty to those in power. Sir, there is but one true loyalty, and that is unconditional adherence to, and support of, those who stand at the helm of the government, placed there by the people to direct, whether in calm or storm, the great affairs of state.

Resolutions of inquiry as to the imprisonment of persons by order of the War Department, and propositions for an armistice, were frequently introduced in the House or the Senate, all designed to make a political record, or to embarrass the government. The debates thereon are valuable only as showing the conflict of political opinions, the extent to which obstruction to the prosecution of the war was carried, and the efforts of honest men to sink party in the duty of the hour. It was the almost daily practice of Mr. Vallandigham in the House and of Mr. Powell in the Senate to denounce the President for violations of the Constitution and for perverting the objects of the war, under the influence of New England, from a restoration of the Union and the preservation of the Constitution to the emancipation of the negroes and the enslavement of the whites; or, to declare that the war was a failure, and that the national army and navy ought to be instantly withdrawn from the South. The President was a tyrant and a usurper, and had been guilty of infamous crimes.

[1] February 15, 1863.

[2] Senator Joseph A. Wright of Indiana. See *Cong. Globe*, 3d Sess., Thirty-seventh Cong., p. 64. Also pp. 202–204.

He had permitted his soldiers to rob and murder peaceable citizens; he had caused the arrest of citizens and their incarceration in loathsome prisons where they were subjected to inhuman treatment, and he had required hundreds of them so held, "as a condition upon which they might be released, to take illegal oaths arbitrarily prescribed by himself or his agents"; he had attempted to destroy the freedom of speech and of the press; "he had interfered with the administration of justice in the State courts by violently forcing the judges to adjourn, and dispersing their grand juries, and by breaking open jails and releasing prisoners confined under regular judicial process for felonies and other crimes"; he had struck down the elective franchise; he had given his assent to acts of Congress appropriating enormous sums to purchase the freedom of slaves, and without constitutional authority had aided in freeing the slaves of the District of Columbia.

With manifestations of delight Senator Powell caused to be read a resolution formulated by a caucus of Kentucky Democrats, instructing the Senators and requesting the Representatives in Congress "to oppose any further aid in the prosecution of the war by furnishing either men or money." He believed this resolution and the indictment of the President for usurpation expressed the sentiments of nineteen-twentieths of the Democratic people of Kentucky.[1] Mr. Vallandigham, rejoicing over the mediation proposed by Napoleon III., declared that it ought to be met in a spirit as cordial and ready as that in which it was proffered.

> It would be churlish to refuse. Certainly it is not consistent with the former dignity of this government to ask for mediation; neither, Sir, would it befit its ancient magnanimity to reject it. As proposed by the Emperor of France, I would accept it at once. Now is the auspicious moment. It is the speediest, easiest, most graceful mode of suspending hostilities.[2]

Mr. Bayard of Delaware and other conservative Senators,

[1] *Cong. Globe*, Feb. 21, 1863, p. 1160, *et seq.*

[2] *Ibid.* Appendix, p. 59.

discussed the war issues—all questions of the day were war issues—in different temper; avoiding a commitment to the peace policy of the radical element, but pretty uniformly withholding support from the government. The division in Congress, therefore, was on party lines, the Unionists supporting the administration, the Democratic minority opposing. Mr. Bayard believed there should be the same latitude of discussion in a time of war as in a time of peace. He thought it atrocious to talk about loyalty to an administration in a government which is founded on the will of the people, and is a free government. In the matter of suspension of the writ of *habeas corpus* he held that the power to suspend the writ was legislative, not executive—that Congress could not delegate the power to the President. That government was not a free government which vested in the executive power the right to imprison a citizen at will, without any publicity or any knowledge of the charge on which he was confined, and which could withhold all information as to the causes of arrest on the pretence that the public interests forbade the communication of the reasons for the arrest.[1]

The measure providing for enrolling and calling out the national forces also was condemned by Mr. Bayard, who held that it was not within the powers confided by the Constitution to Congress; and that if it were it was utterly inexpedient, and not only inexpedient, but dangerous as regards the liberty of the citizen and the security of the States. The reserved force of the nation was the militia of the several States, which could be called into service by the President under provisions that Congress might adopt for that purpose; but when that militia was called into service it was as organized bodies of men, to be commanded by officers appointed by the States and to be disciplined, under the discipline Congress prescribed, by the State authorities alone.[2] The power under the proposed measure was power to raise an army by conscription. What was such a delegation of power but making a dictator of the President of the United States?[3]

[1] *Cong. Globe*, Dec., 1862, p. 65. [2] *Ibid.*, p. 1363. [3] *Ibid.*, p. 1365.

One who studies the history of this time will not fail to contrast the objections interposed by the Democratic minority of the North to the only certain means for recruiting the strength of the national forces with the appeal made by Jefferson Davis to the Legislature of Mississippi in behalf of his acts under the conscription law of the Confederate States. The veterans, said he, who had gone through many hard-fought battles looked to their countrymen at home to supply the places which had been made vacant by the deaths of their comrades. "Their ranks must be filled, humanity demands it. It was time for patriots to throw off the shackles of private interest, fly to the rescue of these heroes whom the ravages of war had yet spared, and consecrate themselves to the most sacred cause on earth."[1] All such appeals made to the men of peace in the loyal States to succor the regiments fighting for the Union fell upon deaf ears. Desertions were incited and encouraged; resistance was made to the enrollment, and officers in the discharge of their duty were assassinated.

The Union majority in Congress who originated the various measures for strengthening and supporting the army and navy, and for sustaining and encouraging the President, wasted but little time in debate. Nor did they always remain silent under the bold and defiant accusations of the minority. Mr. Wilson of Massachusetts declared that as there had never been a rebellion so causeless, so false, so treacherous and wicked as this, so there never had been any civil war in which those who administered the government had acted with so much humanity, so much consideration and so much tenderness.

In spite of all this, when we are struggling for life, when our armies are in the field, when the question is not determined whether this nation shall survive or perish, the Congress of the United States is to be the theatre in which the government is to be arraigned for doing its duty to save the country.[2]

[1] Speech at Jackson, Dec. 26, 1862.

[2] *Cong. Globe*, Dec. 9, 1862, p. 27. It was left to Mr. Shellabarger of Ohio to read to those members who were declaring that the President by consenting to

On another occasion, stung by the boldness with which Senator Powell declared the purpose of the Democracy to be to oppose giving any more men or money for the prosecution of the war, in the language of the Kentucky resolution, he exclaimed; "Sir, the man who conceived and proclaimed that proposition is a traitor at heart, and he would have arms in his hands were he not a coward." [1]

There was a difference of opinion among the friends of the administration, as explained in treating of the Merryman case, as to where the power was lodged to suspend the writ of *habeas corpus* in times of rebellion and insurrection. Mr. Stevens of Pennsylvania and Senators Trumbull and Sherman held, with the best jurists, that the writ of *habeas corpus* was never intended by the Constitution to be suspended except in pursuance of an act of Congress. To cure the defect of legislation and to protect the President, who had acted solely to save the country in the midst of peril, a law was passed during the third session of the Thirty-seventh Congress clothing the President with the power to suspend the writ during the rebellion in any part of the United States, whenever, in his judgment, the public safety should require it. Provision was made for hearings in the United States courts, inquiries by grand juries, etc. In case the latter failed to indict the prisoners, judges were required to discharge them from custody. It was made the duty of all military officers to obey and execute the orders of the court. The President and his subordinates were protected from liability in civil or criminal

arbitrary arrests had "struck down at a blow every badge of republican government," and was guilty of acts of despotism which the Czar dare not do, several chapters in the history of the United States. During the time of General Washington military arrests were made almost daily. Some were charged with being "inimical to the liberties of America," as in the case of Connolly and others of Maryland; others for "advising men to lay down their arms," as in the case of Belmires and others of the same State; others for being "disaffected in the cause of American freedom," as in the case of twenty Friends of Philadelphia, arrested and imprisoned at Winchester, Virginia.—*Cong. Globe*, Appendix, Jan. 27, 1863, p. 67. Mr. Jefferson's approval of General Wilkinson's arbitrary arrests at New Orleans at the time of the Burr conspiracy is another case in point.

[1] *Ibid.*, p. 1184.

prosecutions. This measure was introduced in the House by Mr. Stevens and was perfected in the Senate by Mr. Trumbull, chairman of the Judiciary Committee. The opposition held that Congress could not delegate its power to the President, that the measure was a dangerous invasion of personal liberty, and "a deliberate, palpable and dangerous violation of the Constitution, and therefore utterly null and void." A protest, embodying this view, drawn up by Mr. Pendleton of Ohio and signed by himself and thirty-six other members, was read in the House, and on motion of Mr. Stevens laid on the table.

The proposition to admit West Virginia as a State revealed a wide difference of opinion as to the propriety of the act, and as to the legal status of the States in rebellion, which afterwards, when "reconstruction" was the absorbing question of the hour, divided the legislature from the executive. The people of West Virginia having observed the form of procedure usual in case of the admission of a new State, the Governor called the Legislature of Virginia together and that body on the 13th of May, 1862, gave its consent to "the formation of a new State within the jurisdiction of the said State of Virginia." A fortnight later a copy of the proceedings and a memorial of the Legislature were laid before the Senate of the United States, and referred to the Committee on Territories. A bill providing for admission was promptly reported by Mr. Wade. This bill, as it finally received the sanction of the Senate, contained an important provision, which stipulated that "the children of slaves born in the State after the 4th day of July, 1863, shall be free; all slaves within the said State who shall at that time be under the age of ten years shall be free when they arrive at the age of twenty-one years; all slaves over ten and under twenty-one shall be free at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein." This condition was to be ratified by the convention which framed the constitution, and by the people at an election held for that purpose, and, upon due certification of the

approval of the condition to the President of the United States, he was authorized to issue his proclamation declaring West Virginia to be a State of the Union.

The opposition to the bill in the House was more strenuous than in the Senate. Mr. Conway of Kansas, after calling in question the validity of the Pierpont government, proceeded to censure Mr. Lincoln. He said he had serious reason to believe that it was the intention of the President to encourage the formation of State organizations in all the seceded States, and that a few individuals were to assume State powers wherever a military encampment could be effected in any of the rebellious districts. The radically revolutionary character of this scheme meant the utter subversion of our constitutional system. He believed the true policy of the government with regard to the seceded States was to hold them as common territory whenever and wherever our armies extended over them. This would obviate the dangers which the presidential policy would bring upon the country. Mr. Dawes of Massachusetts declared that consent to the division of Virginia was confined to the people residing within the limits of the territory embraced in the proposed new State, and therefore the bill did not comply with the spirit of the Constitution. If, he added, "the remaining portions of Virginia are under duress, and while under duress this claim of consent is made, it seems to me that it is a mere mockery of the Constitution."

Mr. Stevens would vote to admit West Virginia as a new State, "not by virtue of any provision of the Constitution, but under our absolute power which the laws of war give us in the circumstances in which we are placed." His argument touched on the policy of dealing with the seceded States. We had by an ill-considered act declared a blockade of the Southern ports and had thus recognized those States as a belligerent power, entitled to all of the privileges and subject to all of the rules of war, according to the law of nations.[1]

[1] If instead of declaring a blockade of the Southern ports, Congress had repealed the laws making them ports of entry, "there would have been no need of a blockade. No nation would have had a right to send vessels there, even though

Now, then, Sir, these rebellious States being a Power, by the acknowledgment of European nations and of our own nation, subject and entitled to belligerent rights, they become subject to all the rules of war. I hold that the Constitution has no longer the least effect upon them. It is idle to tell me that the obligations of an instrument are binding on one party while they are repudiated by the other. It is one of the principles of law universal, and of justice as universal, that obligations personal or national must, in order to be binding, be mutual and be equally acknowledged and admitted by all parties. Whenever that mutuality ceases to exist it binds neither party. There is another principle just as universal; it is this: when parties become belligerent, in the technical sense of the word, the war between them abrogates all compacts, treaties, and constitutions which may have existed between them before the war commenced. . . . Hence I hold that none of the States now in rebellion are entitled to the protection of the Constitution, and I am grieved when I hear those high in authority sometimes talking of the constitutional difficulties about enforcing measures against this belligerent Power, and the next moment disregarding every vestige and semblance of the Constitution by acts which alone are arbitrary. I hope I do not differ with the executive in the views which I advocate. But I see the executive one day saying, "you shall not take the property of rebels to pay the debts which the rebels have brought upon the Northern States." Why? Because the Constitution is in the way. And the next day I see him appointing a military Governor of Virginia, a military Governor of Tennessee and some other places. Where does he find anything in the Constitution to warrant that?

Mr. Bingham replied to Mr. Stevens in an argument of so much force as to carry the House with him. He held that the power to reorganize their State government at pleasure is inherent in the people, and does not exist by virtue of grants of the Constitution. He agreed with the proposition of the gentleman from Pennsylvania that the majority of the citizens

we might not have had a ship of war within a hundred miles." And again: "We cannot blockade our own ports. We blockade an enemy's ports. The very fact of declaring this blockade recognized them as a belligerent Power."—Stevens in House, Dec. 9, 1862. *Cong. Globe.*

of the United States within any State are the State, subject, however, to this limitation, that the majority act in subordination to the federal Constitution and to the rights of every citizen of the United States guaranteed thereby. Can the minority of the people of a State by the act of the majority committing treason and taking up arms against the federal government, be stripped of their right within the State of protection, under State laws, in their homes and in their persons, even against the hand of the assassin? Where the majority become rebels in arms, the minority are the State, and have a right to administer the laws, and to maintain the authority of the State government and to that end to elect a State Legislature and executive, by which they may call upon the federal government for protection "against domestic violence," according to the express guarantee of the Constitution. Mr. Bingham cited Mr. Madison in support of his constitutional view with happy effect.

Members who had doubts about the propriety of dividing one of the original States were moved by sympathy, as was Mr. Maynard of Tennessee, to vote for admission. He had recently visited West Virginia.

> I found there [said he] a people loyal and devoted to your flag, desiring to be formed into a State by themselves, with power to manage their own local and domestic affairs. They spoke with feeling and deep entreaty upon this subject. They said that if you keep them bound to the dead carcass that lies floating many a rood on the eastern side of the Blue Ridge, their fate for long, long years, if not for generations and ages, is sealed. They begged to be disenthralled.[1]

At last the opportunity came to the people west of the Blue Ridge to secure what they had pleaded for in the State convention of 1829–30 and again in 1847.

[1] For debates on the partition of Virginia, see *Cong. Globe*, 2d and 3d Sessions, Thirty-seventh Congress.

CHAPTER VI

THE TREASON OF VALLANDIGHAM — NEUTRALS — OFFER OF AMNESTY

THE moral authority of a party leader in a democracy, arising from the confidence reposed in him, carries with it the responsibility of so using his influence that the public good shall be conserved while promoting the ascendency of his party. If this principle be applicable to political leadership in normal times when the arts of peace are followed, how much greater becomes the responsibility in times of commotion and of civil war! A conscientious leader, feeling the weight of this responsibility, in the midst of excitement will counsel moderation and prudence, but never appeal to the prejudices and passions of men which, when aroused, lead to turbulence and blind violence. For nothing is truer than the observation of Hobbes, that "The passions of men, which asunder are moderate as the heat of one brand, in an assembly are like many brands that inflame one another, especially when they blow one another with orations to the setting of the commonwealth on fire, under pretence of counselling it."

In the anxious days of 1863 representatives of these two classes of leaders were appealing to the people—one class appealing to the reason of the citizen, the other to his prejudices: one seeking to restore the Union by sustaining the government, the other striving to create a political revolution for party ends. One of the most conspicuous of the first class, who did not approve of the policy of the administration, was the venerable John J. Crittenden. He believed that the

rebellion was without just cause, as the property and rights and liberties of no man had been encroached upon. Therefore he had been from the first in favor of the prosecution of the war, for upon it depended the stability of the greatest government the world had known. "It involves," said he to his constituents, "to a mighty extent, the destiny of mankind, the liberty and welfare of the human race." What war could be more just? He declared that notwithstanding the confiscation act, the emancipation proclamation and emancipation laws, notwithstanding the policy of raising negro armies, and the talk about the equality with white men of negro soldiers, against which he voted, he was still in favor of the prosecution of the war. While the great enemy of his country was before him he was still for the war without an armistice, regardless of foreign intervention—though it were necessary to fight all the world—till the rebellion was put down. "If you offer no resistance, you surrender to it, and lose your manhood. But if you fight it out, we can easily repair all the damage which the people in their judgment may think has been committed on the Constitution and the laws." [1]

We have seen what Mr. Vallandigham, Fernando Wood and other avowed peace leaders of the revived Democratic party proposed as measures to overthrow the government, even to the extent of inviting foreign intervention with its untold evils. Encouraged by a temporary political triumph in 1862 and the formidable military power of the Confederacy, these leaders planned to bring hostilities in the field to an end by encouraging desertions and preventing the filling up of the old regiments, and to restore the Democratic party to the control of the government by the election of its candidate for President in 1864. Immediately after the adjournment of the Thirty-seventh Congress, Mr. Vallandigham began a political canvass to arouse the most determined opposition to the government. He spoke at Philadelphia, at New York and Albany, in Connecticut, and various cities in his own State. In all of his speeches the government was vehemently

[1] Speech at Lexington, Cincinnati *Commercial*, May 13th.

assailed, the objects of the war were misrepresented and its prosecution denounced. He asserted, in the face of Mr. Lincoln's most solemn public utterances, and the declarations of representative conventions, that the objects of the party in power in the prosecution of the war were the abolition of slavery and the subjugation of the South, and that if these could not be obtained it would disrupt the Union; and that the enrollment act and the law authorizing the suspension of the writ of *habeas corpus* during the war destroyed the liberties of the people and established a despotism. By embracing within the scope of partisan invective the provost marshals who were charged with the duties of enrolling the names of persons liable to military service and of arresting deserters, as "the minions of the tyrant Lincoln," men like Vallandigham provided the ignorant and the thoughtless with an excuse for going a step further and forcibly resisting the execution of the law, or for evading the obligations of citizenship.

Order No. 38, issued by General Burnside to put a stop to acts inciting to desertion and impeding the obtaining of recruits for the army, excited much animosity. The reasons given by General Burnside for issuing the order were many, but this may be cited as the principal one. He said:

> If I were to indulge in wholesale criticisms of the policy of the government, it would demoralize the army under my command, and every friend of his country would call me a traitor. If the officers or soldiers were to indulge in such criticisms it would weaken the army to the extent of their influence; and if this criticism were universal in the army, it would cause it to be broken to pieces, the government to be divided, our homes to be invaded, and anarchy to reign. . . . If it is my duty and the duty of the troops to avoid saying anything that would weaken the army, by preventing a single recruit from joining the ranks, by bringing the laws of Congress into disrepute, or by causing dissatisfaction in the ranks, it is equally the duty of every citizen in the department to avoid the same evil.

This order enraged Mr. Vallandigham, and he not only publicly denounced it, in a speech at Mount Vernon, May 1st,

as "a base usurpation of arbitrary power," but he defied it and invited his hearers to resist it. "The sooner the people inform the minions of this usurped power that they will not submit to such restrictions upon their liberties, the better."

Warming up as he proceeded in his arraignment of the government, he counselled against an acquiescence in the new military law. He warned his hearers that "an attempt would shortly be made to enforce the conscription act"; that "they should remember that this was not a war for the preservation of the Union"; that "it was a wicked abolition war, and that if those in authority were allowed to accomplish their purposes, the people would be deprived of their liberties and a monarchy be established," and that as for himself, "he was resolved that he would never be a priest to minister upon the altar upon which his country was being sacrificed." This speech led to the arrest of Mr. Vallandigham, and his arraignment before a military commission by order of General Burnside. The arrest, which was made in the night, caused great excitement in Dayton and intensified the feeling of bitterness existing between the loyal citizens and the followers of Mr. Vallandigham.

The prisoner submitted no defence to the commission which he declared had no right to try him, but he cross-examined the witnesses. He brought out the fact (which was used in extenuation) that notwithstanding his denunciatory language he had said the remedy for the evils was in the ballot-box and the courts. In analyzing the speeches of Mr. Vallandigham, Hon. Aaron F. Perry, the eminent counsel for the government, touched on this cautious reference to the ballot-box: "It cannot be claimed that the motive was to influence electors, because the argument does not fit that motive. It fits to insurrection, and that only." And this must be the judgment of any one that studies the speeches, and weighs the acts, of Mr. Vallandigham during and immediately preceding the war. In 1860 he declared that in the sectional controversy his sympathies were wholly with the South. His remarks on the conscription bill in the House of Representatives foreshadowed his course before the people.

Have a care [said he], I entreat you, that you do not press these measures too far. I shall do nothing to stir up an already excited people—not because of any fear of your petty provost marshals but because I desire to see no violence or revolution in the North or West. But I warn you now, that whenever against the will of the people and to perpetuate power and office in the popular government which they have taken from you, you undertake to enforce this bill, and, like the destroying angel in Egypt, enter every house for the first-born sons of the people—remember Poland. You cannot and will not be permitted to establish a military despotism.

And did these words echo the thoughts of Marcus Antonius, who once played upon the passions of the multitude? "Good men agitate; obscure men begin real revolutions; great men finally direct and control them." [1]

If those who honored him, asked Mr. Perry, could not be incited to fight against a government by persuading them it was making an unjust and cruel war to crush out liberty, how else could he expect to incite them? If he did not hope to persuade them to join their sympathies and efforts with the enemies of the United States, by convincing them that these enemies were in the right, fighting and suffering to prevent the overthrow of liberty, standing up against wickedness and cruelty, what must he have thought of his audience?

All insurrections have their pretexts. The man who furnishes these is more guilty than the man who believes them and acts on them. If the statements of Vallandigham were true, the pretexts were ample, not merely as pretexts, but as justification of insurrection. They were more: they were incitements which it would be disgraceful to resist and which human nature generally has no power to resist.

The commission found Mr. Vallandigham guilty and sentenced him to close confinement in a United States fort during the continuance of war. General Burnside named Fort Warren in Boston harbor. Two days after this Hon. George E. Pugh of his counsel applied to Judge Leavitt of the United

[1] *Cong. Globe*, Feb. 23, 1863. Appendix.

States Circuit Court for a writ of *habeas corpus*. The application was argued by Mr. Pugh, for the prisoner, and by Mr. Perry and the District Attorney, in behalf of General Burnside. After due consideration the application was denied by the court in an opinion that attracted wide attention. He declared that the power of the President as Commander-in-Chief undoubtedly includes the right to arrest persons who by their mischievous acts of disloyalty impede the military operations of the government. "Men should know and lay the truth to heart, that there is a course of conduct not involving overt treason, and not therefore subject to punishment as such, which, nevertheless implies moral guilt, and a gross offence against the country." The reputation of Mr. Leavitt as an upright and conservative judge gave weight to his opinion at the time, but subsequently the Supreme Court of the United States dissented from some of its conclusions in the case of the Indiana conspirators.

The President modified the sentence of the military commission, by directing that instead of being imprisoned, Mr. Vallandigham should be sent within the rebel lines, and should not return to the United States until after the close of the war. This sentence suited the popular humor. Many who thought the arrest of Mr. Vallandigham impolitic, and who believed it better to run the risk of insurrection even than to abridge the freedom of speech, yet conceded that the President had met the difficulty happily and wisely.

The pith of the whole matter was not the arrest of Mr. Vallandigham and his trial by a military court, but the endorsement of him by his party which transferred to the party the odium of his violent course. The punishment of Mr. Vallandigham was treated as a case of martyrdom. The action of the government was denounced in public meetings at tyrannical and highly dangerous to the liberties of the citizen. This proceeding, said Governor Seymour in a letter to a public meeting held in Albany, May 16th, if "sanctioned by the people, is not merely a step toward revolution, it is revolution; it will not only lead to military despotism, it establishes

military despotism. . . . If it is upheld our liberties are overthrown." And forgetting his duties as chief magistrate of the most influential State in the Union in sustaining the government in the war, he adopted the obstructive method of the exile, saying that "the action of the administration will determine, in the minds of more than one-half of the people of the loyal States, whether this war is waged to put down the rebellion in the South or to destroy free institutions at the North."

The adoption by the Albany meeting of resolutions censuring the government gave Mr. Lincoln the opportunity to bring before the people the vital question thus involved in a letter reviewing the resolutions which were officially communicated to him. Mr. Vallandigham "was not arrested because he was damaging the political prospects of the administration, or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends." And then he enforced the question of moral responsibility by an illustration which would seize upon the imagination of a father or a mother:

> Long experience has shown that armies cannot be maintained unless desertions shall be punished by the severe penalty of death.[1] The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert? I think that in such a case to silence the agitator and save the boy is not only constitutional, but withal a great mercy.

Mr. Lincoln was even more happy in his reply to a committee of Ohioans who visited Washington, and urged the immediate recall and restoration of Mr. Vallandigham. When the Democratic State convention met at Columbus on the 11th of

[1] During the progress of a battle in Virginia "Stonewall" Jackson observed his men falling behind and deserting. He arrested thirty-seven of them, marched them in front of his troops and caused them to be shot to death. There was no trial, only the bloody execution at the will of a great soldier. See remarks of Senator Wright, *Cong. Globe*, Dec., 1862.

June for the nomination of State officers, the warmth of party feeling compelled the nomination of Mr. Vallandigham for Governor, despite the efforts of conservative Democrats to prevent such a tactical blunder. These brought forward the name of General McClellan, who was still a citizen of Ohio, but that gentleman declined the honor. The exile was nominated amidst the wildest scenes of excitement, and his counsel, George E. Pugh, was prevailed on to accept the second place on the ticket, and charged with the onerous responsibility of making the canvass and justifying the candidate for Governor before the people. The committee appointed by the convention to wait on Mr. Lincoln consisted of Mr. Birchard, George H. Pendleton, David A. Houk and sixteen other well-known party leaders. They addressed the President at length, urging constitutional arguments against arbitrary arrests in States not in rebellion and against the suspension in time of war of the freedom of speech and of the press, as in that event "the essential element of popular government to effect a change of policy in the constitutional mode is at an end." As Mr. Lincoln had considered at length the constitutional objections to the war policy of the government in his review of the Albany resolutions, he did not dwell on them in his reply to the communication of the Ohio committee.

He observed the avoidance in the committee's letter of any recognition of the army as a constitutional means of saving the Union against rebellion and adroitly brought them to the record. He expressed his willingness to release Mr. Vallandigham upon terms not embracing any pledge from him or from others as to what he would or would not do. These conditions were that the committee or a majority of the committee should endorse their names upon his letter and return it thus endorsed to him,

with the understanding that those signing are thereby committed to the following propositions, and nothing else: 1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the national Union; and that, in your opinion, an army

and navy are constitutional means for suppressing that rebellion. 2. That no one of you will do anything which, in his own judgment, will tend to hinder the increase or favor the decrease, or lessen the efficiency of the army and navy while engaged in the effort to suppress the rebellion; and, 3. That each of you will, in his sphere, do all he can to have the officers, soldiers and seamen of the army and navy, while engaged in the effort to suppress the rebellion, paid, fed, clad and otherwise well provided and supported. And with the further understanding that upon receiving the letter and names thus endorsed, I will cause them to be published, which publication shall be, within itself, a revocation of the order in relation to Mr. Vallandigham.

The committee was in a dilemma. To subscribe to these propositions would secure their friend's release, but the act would give countenance to the war and justify the arrest of Vallandigham. They made a disingenuous reply and returned home, baffled and shorn of prestige.

The day before the Democratic convention met there was a great gathering of the people of southeastern Ohio at Marietta to hear John Brough on the issues of the day. Mr. Brough's fame as a Democratic stump speaker was one of the traditions cherished by the people. Old Democrats, recalling the conflicts between their own and the Whig party with a feeling of pride, would say to one commending the oratorical powers of some new favorite, "But you should have heard John Brough." For fifteen years there had been no opportunity to hear the favorite of other days. When the Democratic party deserted its principles of 1848, Mr. Brough refused to have any further part in party management and at once entered the new field of enterprise,—railroad construction and management,—which proved so inviting to men of energy and superior administrative ability. As the head of the "Bee Line" Mr. Brough was recognized as one of the most conspicuous, as he was certainly one of the most successful, railroad managers of the country. Now when the hour was darkest, when good men were despairing, Mr. Brough appeared upon a public platform in his native place to encourage the government and to stimulate the people to greater effort.

The meeting was in a grove of grand trees, through which Brough had roamed when a boy. The speech was a plain and statesmanlike discussion of the questions which secession and war had given rise to, addressed to the reason of his auditors. It met public expectation. It was evident that the orator had lost none of the fire and force, the ready wit and practical wisdom for which he was famed. The publication of the speech led to a spontaneous movement throughout the State to secure his nomination as the candidate of the Union party for Governor. This was accomplished at Columbus on the 17th of June. Colonel Charles Anderson, whose escape from Texas was one of the romantic incidents of the opening of the war, was nominated for Lieutenant-Governor. The patriotic war Democrats and Republicans in convention assembled consecrated themselves anew to the work of saving the country. Their purpose was expressed in the following resolution reported by Senator Wade:

Resolved, That in the present exigencies of the Republic, we lay aside personal preferences and prejudices, and henceforth till the war is ended, will draw no party line but the great line between those who sustain the government and those who oppose it, between those who rejoice in the triumph of our armies and those who rejoice in the triumph of the enemy.

The most remarkable canvass known in the political history of this country followed. On its final result was staked the fate of the nation. It was of greater importance than a military campaign. The government was to be sustained or condemned upon the issues raised by the *habeas corpus* law, by the conscription law, by the arrest of Vallandigham, by the declaration of Governor Seymour and the Democratic State convention of Ohio, that, if the acts of the government should be approved, the freedom of speech and the liberties of the citizen would be overthrown, and a military despotism established in their place. Henceforth until the close of the war John Brough was a grand figure.

As this fateful campaign was about to open, while Rosecrans

was menacing Bragg at Tullahoma, and Burnside was preparing to enter east Tennessee, John Morgan, the famous chief of rebel cavalry, was sent by General Bragg on a raid through Kentucky to disturb the communications of the Union generals, which were guarded by General Judah. It was hoped this would prevent the sending of reinforcements to Rosecrans. After five days spent in Kentucky, Morgan crossed into Indiana on the 8th of July with a force of two thousand men, and for ten days kept that State and Ohio in an uproar. He was finally captured on the upper Ohio after a fight at Buffington Island, and was imprisoned in the penitentiary at Columbus. This raid cost the State of Ohio nearly nine hundred thousand dollars. The experience was not without its compensation in the influence it had in the political campaign.

"Leave to us free assemblages, free discussion, and a free ballot," said the leaders of the peace Democracy, "and we are ready to try the questions at issue and will abide by the result." In the political canvass made in all of the States holding elections the speakers had not only freedom of speech but license of speech. The meetings everywhere in Ohio were largely attended, especially the Democratic meetings, and there were unusual manifestations of zeal and enthusiasm in support of Mr. Vallandigham's cause. While the Union meetings were large, they impressed one seriously with a sense of personal responsibility. Mr. Brough spoke in nearly every county in the State with a power seldom equalled and perhaps never surpassed in a campaign of such length.

The brilliant triumph revealed by the October ballots electrified the whole country. The majority for John Brough was over one hundred and one thousand—the largest ever received by any candidate for the suffrages of the people.[1] "Count every ballot as a bullet fairly aimed at the heart of the rebellion," said Secretary Chase, who had returned home to vote,

[1] There have been larger majorities since 1863, with larger aggregate votes, in New York and Ohio. The Legislature had made provision for taking the votes of Ohio soldiers in the field. The majority of the soldier vote for Brough was 39,179; home vote, 61,920. Total majority, 101,099.

on election day. The sequel confirmed the truth of it. The soldiers at the front gave Brough a majority a few votes less than forty thousand, which confirmed their address to the people of Ohio.

My brigade [Rutherford B. Hayes set down in his diary on the 13th of October] gave a unanimous vote for Brough. I went to bed like a Christian at 9 P.M. McKinley routed me at eleven with the first news. All good and conclusive. State 50,000 on the home vote. A victory equal to a triumph of arms in an important battle. It shows persistent determination—willingness to pay taxes, to wait, to be patient.

In Pennsylvania Governor Curtin was re-elected in October by a majority exceeding fifteen thousand, in spite of the personal participation of General McClellan in the canvass against him. This vote had a special significance, because his opponent was Judge George W. Woodward, who had given a decision against the constitutionality of the conscription law. Thus the great Keystone State remained true to the administration. The impulse of these October elections was communicated to New York, which had been disgraced by the anti-draft riots of July, and held in an attitude of antagonism to the government by Governor Seymour. The election of Chauncey M. Depew to the office of Secretary of State by thirty thousand majority was a popular rebuke merited by the Governor. In Massachusetts Governor Andrew was re-elected by over forty-one thousand majority. In Kentucky the issue had been fairly met, and the verdict which carried Mr. Bramlette into the Governor's office was backed by the substantial majority of nearly fifty-one thousand. Thus every State except New Jersey voted to sustain the government. The verdict was that the rebellion must be suppressed—that the government was expected to employ for the accomplishment of this result all the means at its command not incompatible with the laws of war and the usages of civilized nations. If the leaders of the peace Democracy had been honest in their professions they would have acquiesced in this overwhelming expression

of public opinion. A goodly number who had united with them, on their refusing to keep their promise to abide by the decision of the ballot-box, separated from them.

The convention formed in 1861 by the British, French and Spanish governments, to force Mexico to give efficient protection to foreigners and to pay arrears due to fund-holders, was dissolved in April, 1862, by the action of Great Britain and Spain in declaring for peace. The imperial intriguer of France, who dreamed of a universal fusion of the Latin races and had already determined to establish a monarchy upon the ruins of the Mexican republic, declared war against Juarez ostensibly to enforce just claims. The French army under General Bazaine, accompanied by many of the clergy, occupied the city of Mexico on the 5th of June, 1863. Six weeks later, a manifesto was issued, dated, "Palace of the Regency of the Empire of Mexico," which announced that the crown of Mexico was offered to "His Imperial and Royal Highness the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants." This new cloud on the American horizon gave rise to much anxiety in the United States, as it bore a relation to the scheme of Napoleon to intervene in our affairs. While the government protested against these proceedings its true policy pending the suppression of the rebellion was that of strict neutrality. This contravened the traditional principles of the government as defined by the Monroe Doctrine, but it was a necessity of the situation—a temporary expedient and not a formal renunciation of the doctrine which pledged the United States to hold the whole continent open to republican institutions. "This government believes," said Secretary Seward, "that foreign resistance, or attempts to control American civilization, must and will fail before the ceaseless and ever-increasing activity of material, moral and political forces, which peculiarly belong to the American continent." And he warned the Emperor of France, that should he adopt a policy in Mexico adverse to the American opinion and sentiments, "that policy would probably scatter seeds which would be fruitful of jealousies

which might ultimately ripen into collision between France and the United States and other American republics." [1]

The security which the agents of the confederate government found in British ports continued to imperil the commerce of the United States and to threaten the blockade of the Southern ports. The *Alabama* was pursuing its career of destruction unchecked, and was likely to be followed by other more powerful iron-clad vessels unless the British government could be brought to a realization of its responsibility. Mr. Adams had collected evidence of the purpose and destination of two formidable vessels under construction, and he had asked the British government to prevent their departure. This was refused. Thereupon Mr. Adams, on the 5th of September, 1863, wrote to Lord Russell, expressing regret at such a decision, which he said he could regard not otherwise than as giving to the agents of the insurgents permission to prepare in Great Britain the means for entering and devastating any of the seaports of the United States. This, he declared, was war.

> No matter what may be the theory adopted of neutrality in a struggle, when this process is carried on in the manner indicated, from a territory and with the aid of the subjects of a third party, that third party to all intents and purposes ceases to be neutral. Neither is it necessary to show that any government which suffers it to be done, fails in enforcing the essential conditions of international amity towards the country against whom the hostility is directed. In my belief it is impossible that any nation, retaining a proper degree of self-respect, could tamely submit to a continuance of relations so utterly deficient in reciprocity. I have no idea that Great Britain would do so for a moment.[2]

Three days later Lord Russell informed Mr. Adams that instructions had been issued which would prevent the departure of the two iron-clad vessels from Liverpool. This diplomatic victory of vast importance strengthened the confidence felt on account of the political and military successes won this year that the rebellion would soon be overcome.

[1] Diplomatic Correspondence, Sept. 26, 1863.

[2] *Ibid.*

The Thirty-eighth Congress met on Monday, December 7th. The House was promptly organized by the election of Schuyler Colfax of Indiana as Speaker. He was a genial and tactful man, with a thorough acquaintance with the rules of the House, and he made a popular and attentive Speaker. The Union majority continued large and strong in support of the administration. New members of marked ability were added. In place of Mr. Vallandigham, General Robert C. Schenck appeared to represent the Dayton district. He had had large legislative experience and was a debater of great force, and he now returned to the scene of his early triumphs as a representative of the volunteer soldiers. Another and much younger representative of this class — James A. Garfield — entered upon a public career in which he was destined to win distinction as a debater of rare power and as a statesman, studious and liberal-minded. Other names on the roll of this House that attract one's attention are those of James G. Blaine, Samuel J. Randall, George S. Boutwell, John A. Kasson, William B. Allison and William R. Morrison, as names intimately related to the legislation of the closing year of the war and the reconstruction and financial measures resulting from the war.

The President's message, which was made public on the 9th, was received with great satisfaction. Mr. Lincoln alluded to the improved foreign relations, but he made no reference to the presence in American waters for several months of a Russian fleet which had aroused the jealousy of other European Powers, whose unfriendliness caused us great disquietude. This fleet came when intervention seemed most imminent, and was an unofficial notice to the rest of the world that Russia was the friend of the American Republic to the extent, if the exigencies demanded it, of giving actual aid. Social courtesies were the only return we could make at this time for such an extraordinary manifestation of friendliness.

The most interesting feature of the message was the reference to a proclamation of amnesty to those willing to resume their allegiance to the government—the pardon and restoration

to citizenship requiring an acceptance of, and acquiescence in, the emancipation proclamation; and a mode for the re-establishment of State governments, which made it legal for "a number of persons not less than one-tenth in number of the votes cast at the presidential election of 1860, each having taken the oath of fealty prescribed, and being a qualified voter under the State law, to re-establish a State government which should be recognized as the true government of the State." This plan looked to a perfect restoration of State rights in the Union, by means of the loyal popular suffrage within the States, thus recognizing their constitutions as obligatory in everything except the relations of master and slave. And the President promised to support any provisions which might be adopted by such State government "in relation to the freed people of such State which shall recognize and declare their permanent freedom, provide for their education and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless and homeless class."

The President referred with satisfaction to the growth of sentiment in the border States and in Tennessee and Arkansas in favor of emancipation. "Of those States not included in the emancipation proclamation, Maryland and Missouri, neither of which three years ago would tolerate any restraint upon the extension of slavery into new territories, only now dispute as to the best mode of removing it within their own limits." He added: "No servile insurrection or tendency to cruelty has marked the measures of emancipation and the arming of the blacks."

The Richmond *Examiner* of the 31st of December summed up the results of 1863 for the insurgent States:

> To-day closes the gloomiest year of our struggle. No sanguine hope of intervention buoys up the spirit of the confederate public, as at the end of 1861. No brilliant victory like that of Fredericksburg, encourages us to look forward to a speedy and successful termination of the war, as in the last weeks of 1862. . . . The interior has been fearfully narrowed by the federal march through Tennes-

see. The Confederacy has been cut in twain along the line of the Mississippi, and our enemies are steadily pushing forward their plans for bisecting the eastern moiety. . . . Meanwhile the financial chaos is becoming wilder and wilder. Hoarders keep a more resolute grasp than ever on the necessaries of life. Non-producers who are at the same time non-speculators, are suffering more and more. What was once competence has become poverty, poverty has become penury, penury is lapsing into pauperism.

But despite these manifold discouragments; despite evidences of a desire on the part of the people of North Carolina and Arkansas for peace, despite constantly diminishing resources, the confederate government was preparing to make a desperate resistance—a resistance truly heroic for courage and endurance, but alas! involving wicked sacrifice of life in a cause hopeless after Gettysburg, Vicksburg and Chattanooga.

CHAPTER VII

THE THIRTEENTH AMENDMENT—THE BEGINNINGS OF RECONSTRUCTION

THE political events and the military movements of 1864, as in 1863, were parts of the same campaign for the suppression of the rebellion and the restoration of the Union—were commingled in the drama then enacting. No one that had any share in the great events of 1864 can efface from the mind the recollection of them. The memory is constantly employed in unrolling a panorama exhibiting scenes which revive emotions that thrilled the heart in a way that makes everything in life since that time seem tame. There was no falling off of energy, no weakening of determination, amongst the loyal people, in the support of the government. They looked only to the restoration of national authority throughout the insurgent States. There were periods of depression, it is true; there were impatient expressions of dissatisfaction with the administration even by its best friends, but no whit of yielding of high purpose to preserve the Union, one and indivisible.

The preparations for what was believed to be the final struggle were carried on by both sides during the winter, spring and summer with resolution and thoroughness. In the South the able-bodied men between the ages of seventeen and fifty were liable to service with limited exceptions.[1] A dis-

[1] All men who had placed substitutes in service were called for and exemptions were curtailed. In October, 1864, an order swept away the system of details for mechanical, manufacturing and other pursuits.

tinction made in the beginning of the war led to dissensions later. If a man owned twenty negroes, he was excused from military duty. If a man had ten starving children he was not. The man who owned the negoes could stay at home with his wealth; the man with the starving children must leave them and go to the battle-field.[1] The most singular of the phenomena attending the slaveholders' rebellion, the most difficult to explain, is the support given to it by the lower and middle classes in the South. Even as late as the winter of 1864, when the confederate boundaries were being gradually contracted, when General Longstreet and other intelligent officers saw in Gettysburg the beginning of the decline of the power of the Southern aristocracy, an address issued by the confederate Congress declared that all that was intended by secession was to break up the old Union and form an independent confederacy, founded on "*the proper relations between capital and labor.*" This was an avowal of the doctrine that capital should own labor, without the distinction made by the Southern leaders in earlier times that it applied only to the African race.

This open declaration did not lessen the zeal with which the peace leaders in the North labored to stop the war. They would restore "the Union as it was and the Constitution as it is," *hac lege:* that the slave power should be predominant for all time. The history of the world was a sealed book to them; the sentiments of Christian nations made no impression

[1] *Cf.* Speech of Hon. Jere Clemens at Huntsville, Ala., March 13, 1864. Cor. Chicago *Tribune*, 14th.

"Instead of making constant new drafts upon the agricultural and mechanical labor of the country for recruits for the army, to swell our numbers beyond our present muster rolls, which must prove our ruin if our provisions fail, I respectfully submit that it would be wiser to *put the troops into the army* and leave men enough at home to support them. In other words, compel the thousands of young officers in gold lace and brass buttons, who are constantly seen crowding our railroads and hotels, many of whom can seldom be found at their posts, and the thousands of straggling soldiers who are absent without leave, or by the favoritism of officers, whose names are on the pay rolls, and who are not producers at home, to remain at their present places in the army."—Message of Gov. Brown to the Georgia Legislature. Atlanta *Intelligencer*, March 13, 1864.

upon them; the experience of thirty years of political strife taught them no wisdom. They were now the hope of the Southern secessionists. Their efforts to paralyze the military arm of the government bore a close and treasonable relation to the resistance of the Confederacy, as will be disclosed more fully.[1] Meanwhile Alexander Long, representative of the Second District of Ohio, boldly championed the cause of the Confederacy in a speech of which the Speaker took notice by offering a resolution for his expulsion — an unusual proceeding.[2] The language cited was this:

> I now believe that there are but two alternatives, and they are either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people; and of these alternatives I prefer the former.

A clause in the oath taken by Mr. Long when he was admitted to his seat was in these words: "I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility to the United States," which was tantamount to a declaration that such conduct was regarded as inconsistent with membership in the Congress of the United States. The resolution declared that Mr. Long by his speech in favor of recognizing the independence of the Confederacy had given "aid, countenance and encouragement to persons engaged in armed hostility to the United States." Mr. Garfield opened the debate, which occupied the attention of the House for several days, with impromptu remarks which gave promise of the great prominence he afterward attained as leader of the House.

[1] As the time approached for the election of a President, and just after the Democratic party of the North in national convention had declared the war a failure, Howell Cobb suggested to the confederate Secretary of War that all Northern soldiers in prison opposed to Mr. Lincoln should be sent home on parole. His reasons were: "1. We get clear of feeding and guarding that many prisoners. 2. We give that many votes and influence against Lincoln's election. 3. We show the Yankee people that Lincoln is refusing to exchange for political purposes."—*Treatment of Prisoners—Report.*

[2] *Cong. Globe*, April 8, 1864, p. 1499, *et seq.*

Coming so recently from the battle-field of Chickamauga, his eloquence carried with it the indignant rebuke of the soldiers who had offered their lives as a patriotic sacrifice for their country. "I believe," said he, "the utterance of to-day is the uplifted banner of revolt. I ask you to mark the signal that blazes here, and see if there will not soon appear the answering signals of traitors all over the land."

The following day Benjamin G. Harris of Maryland, in a violent speech against the resolution, sought distinction by using the following words:

> The South ask you to leave them in peace, but now you say you will bring them into subjection. That is not done yet, and God Almighty grant it never may be!

Mr. Washburne offered a resolution for the expulsion of Mr. Harris. The excitement was intense in the House. Under the operation of the previous question the resolution was brought to an immediate vote, but failed to receive a vote of two-thirds requisite for the expulsion of a member. A resolution of censure, declaring Mr. Harris to be an unworthy member of the House, was adopted by a vote of ninety-three yeas to eighteen nays. Among those voting in the negative were Fernando Wood, Samuel J. Randall and George H. Pendleton. The mover of the resolution relating to Mr. Long, after further debate, accepted as a substitute two resolutions introduced by Mr. Broomall of Pennsylvania, which, together with the preamble, were adopted. The first declared Mr. Long an unworthy member of the House. The second directed the Speaker to read the first resolution to Mr. Long during the session of the House.

It was confidently believed in the army and in the States bordering on the Ohio River that there was an understanding between the confederate government and the Knights of the Golden Circle and the peace leaders coöperating with that treasonable organization; that they had a plan for checking the movements of the armed forces of the Union, and liberating the rebel prisoners. The evidence was strong; it became

alarming as the campaign progressed. Thus on Vallandigham's return to Ohio, Governor Bramlette of Kentucky wrote to Governor Morton, June 23d:

> The appearance of Vallandigham in Ohio simultaneously with Morgan's raid in Kentucky fully confirms the matters made known to me through General Lindsey, by you. The defeat of Morgan has frustrated their movements for the present, but vigilance in the future must still guard us against these machinations of evil doers.[1]

The vigilance of the Governors of Ohio, Indiana, Illinois and Kentucky, and of General Rosecrans, now in command in Missouri, was rewarded by the accumulation of a mass of testimony (never fully made public) which revealed a widespread conspiracy to bring about a revolt in the Northwest. Confidential agents of Governor Brough and of Governor Morton were members of the secret organizations, and made reports of their proceedings. They obtained information when, where and how arms were received, and watched the drilling of the confederates on moonlight nights—for all of their proceedings took place when honest people were in bed. This information was confirmed by other evidence.

While these evil influences were spreading, the loyal people were active in strengthening the government by raising recruits for the armies. Liberal bounties were paid. These proved more potent than the enrollment act. Few men were drafted—the patriotic appeals of the Governors and the cooperation of public-spirited citizens proving sufficient to meet the call of the President in the winter for five hundred thousand men. The greater success attending recruiting in the West was an inducement for the executives of other States to send agents to that field, who offered heavy bounties. This led to the passage of a law by the General Assembly of Ohio prohibiting the crediting of recruits raised within the State to the quota of any other State.

But the influence of greatest importance at this time was the patriotic example of the re-enlistment of the old three-

[1] Cincinnati *Commercial*, June 29th.

year regiments. As they were furloughed to return home, the whole country was ablaze with enthusiasm. They were everywhere received with demonstrations of affectionate regard. As they proudly displayed the flags they had borne in battle, discolored by sunshine and storms, and torn by shot and shell, the hearts of the spectators were moved most profoundly. They shared in the pride of the men who had faced a brave foe, who had endured so much for the most sacred cause a citizen can offer his life for. They took these brave spirits to their arms. They reverently touched the rent banners. They felt for the first time, perhaps, the full meaning of citizenship in a free republic. They had an accession of virtue; their manhood was firmer, broader.

A bill introduced by Elihu B. Washburne on the 7th of December, 1863, to authorize the appointment of a Lieutenant-General for all of the national forces was passed by Congress and received the executive approval on the 29th of February. The President nominated Ulysses S. Grant to the responsible position. On the 20th of March there were two quiet gentlemen in conference at the Burnet House in Cincinnati,[1] upon whom at this time the most weighty responsibilities were pressing. They had journeyed together from Nashville, and here they concluded whatever business they had in hand and separated—one, the new Commander-in-Chief of the Armies of the United States, departing by the night express for Washington, to give direction in person to the armies of the Potomac and James operating against Richmond; the other, who had been appointed to the command of the military division of the Mississippi, returning five days later to Nashville, to organize a large army to move into Georgia, coincidently with the advance of the Eastern armies against Richmond. For the first time we were to have a comprehensive plan with unity of action. This was rendered possible by the unlimited confidence Grant and Sherman reposed in each other.

The failure, in the spring of 1864, of the Red River expedition under Banks, added to the defeat of a force under

[1] Cincinnati *Gazette*, March 21, 1864.

General Seymour in Florida in February, and to the capture of Fort Pillow and massacre of the garrison, on the 12th of April, caused despondency and a feeling of dissatisfaction with the administration.

Of the six hundred men constituting the garrison of Fort Pillow, about three hundred and fifty were colored troops. This fact will account for the brutality of the men under General Forrest. Jefferson Davis followed the emancipation proclamation by proposing to turn over to the States for trial all Union officers captured within their respective limits. The authority given to the President to employ negroes in the military service, and the arming of the blacks, led to the announcement by the confederate government that death should be meted out to every captured Union officer in command of negro troops, and to the adoption of a policy by rebel officers, widely separated, of shooting down in cold blood captured blacks. After Forrest's men had done their will upon the garrison it was found that thirty-six white men, including two wounded officers and twenty-one negroes, remained. These were carried off as prisoners.[1]

When Plymouth, in North Carolina, was captured, April 20th, a company of loyal North Carolinians and some negro troops were murdered in cold blood after the surrender. These butcheries justified the conclusion of the Committee on the Conduct of the War, formed after a careful investigation, that they were designed to drive from the Union armies the negroes and the loyal Southerners. The people shuddered with horror at the recital of these bloody deeds. There was a demand for retribution, which the President regarded so far as to promise in a speech at the opening of the Sanitary Commission Fair in Baltimore that it should be met. But the subject was not without its difficulties, and, when maturely considered, taking the lives of innocent persons for the wicked deeds of a few of rank and authority doubtless seemed to Mr. Lincoln and his advisers to lack the element of righteousness.

[1] It was asserted by General Forrest that he had nothing to do personally with the massacre and that he stopped the firing as soon as he could.

At any rate, nothing more was heard of Mr. Lincoln's promise made at Baltimore. A few months later General Grant took notice of the attitude of the confederate government towards negro troops in the blue uniform of the United States, in a communication addressed to General Lee, dated October 29th:

I shall always regret the necessity of retaliating for wrongs done our soldiers; but regard it my duty to protect all persons received into the army of the United States, regardless of color or nationality. When acknowledged soldiers of the government are captured, they must be treated as prisoners of war, or such treatment as they receive will be inflicted upon an equal number of prisoners held by us.

In answer to the questions at the conclusion of your letter, I have to state that all prisoners of war falling into my hands shall receive the kindest treatment possible, consistent with securing them, unless I have good authority for believing any number of our men are being treated otherwise. Then, painful as it may be to me, I shall inflict like treatment on an equal number of prisoners.

The historian is glad to record that this firm, manly and humane letter had a marked influence on the future treatment of captured Union soldiers. The blackest chapter in the history of the Confederacy, and one which did much to embitter feeling in the North, is that relating to the care of prisoners captured during the war. Much suffering was due to the limited resources of the Confederacy, but lack of resources should not excuse the selection of thirty-five acres of ground enclosing a swamp at Andersonville for a prison; nor the establishing of a dead line within its bounds, and the crowding in its limited space of thirty-five thousand men at one time without protection from the heat of the sun or the elements and without sanitary provisions. The promotion of General Winder, the keeper of this prison, after his inhumanity had been condemned in an official report by Colonel Chandler, who made a careful inspection of the premises, was one of the most shocking episodes of the war. A single extract from this terrible indictment will suffice. Colonel Chandler recommended the removal of Winder and the appointment in his stead of

some one who at least will not advocate deliberately and in cold blood the propriety of leaving them [the prisoners] in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside the stockade, a place the horrors of which it is difficult to describe and which is a disgrace to civilization.

The fault for the suffering of prisoners on both sides is attributed to the national authorities by Alexander H. Stephens, "in not agreeing to and carrying out an immediate exchange, which Mr. Davis was, at all times, anxious to do, upon the most liberal and humane principles. Had Mr. Davis's repeated offers been accepted, no prisoner on either side would have been retained in confinement a day." It is not necessary to enter upon an examination of the technical objections raised to recognizing the belligerent rights claimed by the confederate government; and of the tedious correspondence carried on while men were perishing in prison, the real motive of which was "how not to do it." The palpable fact is, that soldiers were left in confinement in many instances nearly two years before an exchange was effected. The South lacked a sufficiency of medical supplies and of many necessaries; but good men might have been selected as keepers. There was too little regard for the claims of humanity on both sides.

Only as the war proceeded, and as the manifold questions to which it gave rise came up for consideration, was the extent to which all of our relations were complicated with the negro fully revealed. Read the proceedings of the Thirty-seventh and Thirty-eighth Congresses, covering the most momentous legislation in the history of the Republic since the close of the first administration of Washington, which preserve the evidence of the noble sentiments of patriotism animating the statesmen of the day; read the state papers of the executive, the correspondence of the departments and of the military commanders, and all contain evidence that only by destroying the institution of slavery, by repealing all legislation relating

to it, and requiring all reconstructed States to make their governments conform to the new order, could we become in truth one people and fulfil the high destiny which was the promise of 1776. The emancipation proclamation was issued by the Commander-in-Chief. It was, therefore, the exercise of military power, and was limited in its application. To insure the legal abolition of slavery throughout the land an amendment to the Constitution was necessary. When the Thirty-eighth Congress first assembled, there was a feeling that the public mind was prepared to sustain a measure providing for a change in the fundamental law. Accordingly, in the House in December, Mr. Ashley of Ohio and Mr. Wilson of Iowa severally introduced a joint resolution for the submission to the States of an amendment to the Constitution prohibiting slavery.[1] Similar resolutions were laid before the Senate by Mr. Henderson of Missouri and Mr. Sumner of Massachusetts, which were referred to the Committee on the Judiciary. February 10th Mr. Trumbull, chairman of the committee, reported back the proposition of Mr. Henderson amended so as to read as follows:

Art. 13, Sec. 1. Neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The debate, which is of great historical interest, was opened by Mr. Trumbull on the 28th of March. After considering the views of the opposition in regard to the legal effect of the proclamation of emancipation and the importance of ending all controversy on this subject through the legal form prescribed by the Constitution, he said:

I think, then, it is reasonable to suppose, that if this proposed amendment passes Congress, it will within a year receive the ratification of the requisite number of States to make it a part of the

[1] The first resolution relating to the subject was introduced by Mr. Arnold of Illinois, but it was merely declaratory.

Constitution. That accomplished, and we are forever freed of this troublesome question. We accomplish, then, what the statesmen of this country have been struggling to accomplish for years. We take this question entirely away from the politics of the country. We relieve Congress of sectional strife, and what is better than all, we restore to a whole race that freedom which is theirs by the gift of God, but which we for generations have wickedly denied them.

Mr. Wilson followed in a speech devoted largely to the moral aspects of the measure.

The incorporation of this amendment into the organic law of the nation [said he] will make impossible forevermore the reappearing of the discarded slave system, and the returning of the despotism of the slave master's domination. . . . Then the nation, "regenerated and disenthralled by the genius of universal emancipation," will run the career of development, power, and glory, quickened, animated and guided by the spirit of the Christian democracy, that "pulls not the highest down, but lifts the lowest up."

Mr. Sumner, Mr. Hale and Mr. Harlan also supported the amendment in eloquent speeches reflecting their well-known anti-slavery sentiments. But the speeches in favor of the measure which excited the deepest interest were those of Mr. Henderson of Missouri and Reverdy Johnson of Maryland. These speeches of these men, distinguished for ability and high character, representing slave States, mark the progress of the moral and political revolution born of secession. What was dark for generations in the South they illumined.

If there be justice in God's providence [said Mr. Johnson], if we are at liberty to suppose that He will not abandon man and his rights to their own fate, and suffer their destiny to be worked out by their own means and with their own lights, I never doubted that the day must come when human slavery would be exterminated by a convulsive effort on the part of the bondmen, unless that other and better reason and influence which might bring it about should be successful,—the mild though powerful influence of that higher and elevated morality which the Christian religion teaches.

Mr. Hendricks of Indiana, who secured a seat in the Senate through the political reaction of 1862, said that he would not vote for the resolution because the time was not auspicious. To make it a part of the Constitution would require the approval of three-fourths of thirty-five States. The insurgent States were not in position to consider the question. Garrett Davis, like Mr. Hendricks, indulged in denunciation of the administration rather than in arguments against the resolution.

> If the dominant party can continue their power and rule [he passionately exclaimed], either by the will or acquiescence of the people, or the exercise of the formidable powers which it has usurped, I am not able to see any termination of the present and still growing ills, short of the ordeal of general and bloody anarchy.

The joint resolution was adopted on the 8th of April by a vote of thirty-eight to six. The negative votes were cast by the Senators of Delaware and Kentucky, Mr. McDougall of California and Mr. Hendricks of Indiana. The very large vote in the Senate was expected to have a favorable influence on the House. The resolution was taken up in that body on the 31st of May and considered in committee of the whole until the 15th of June, when it was brought to a vote, when, lacking the requisite two-thirds, a motion was made by Mr. Ashley (who had voted in the negative for that purpose) to reconsider the vote, and the resolution was laid on the table until the next session.

The debate in the House was participated in by an unusually large number of the members. Mr. Morris of New York led off in support of the proposed amendment, and was followed by Fernando Wood of the same State in opposition, who predicted that the most direful results would ensue upon the completion of the policy of abolition, which involved the extermination of Southern white men and the forfeiture of their property.

> Negroes and military colonists will take the place of the race thus blotted out of existence. Is this intended as the last scene of the

bloody drama of carnage and civil war now being prosecuted? The world looks on with horror, and it will leave to future ages a fearful warning to avoid similar acts of perfidious atrocity.

Only the infatuated and misguided supporters of the Southern system could discover anything atrocious in the act of setting men free. Mr. Pendleton and Mr. Randall argued earnestly against the policy of the proposed legislation as the beginning of changes that might prove dangerous. "Neither three-fourths of the States nor all of the States save one," said Mr. Pendleton, "can abolish slavery in that dissenting State, because it lies within the domain reserved entirely to each State for itself, and upon it the other States cannot enter."

In the following January, Mr. Ashley, on moving to reconsider the vote of the previous session, referred to the argument of Mr. Pendleton. In the fifth article of the Constitution providing for amendments, he found the power for the Congress to act.

It is past comprehension how any man [said he], with the Constitution before him, and the history of the convention which formed the Constitution within his reach, together with the repeated decisions of the Supreme Court against the assumption of the State-rights pretensions, can be found at this late day defending the state-sovereignty dogmas, and claiming that the national Constitution cannot be so amended as to prohibit slavery, even though all the States of the Union, save one, gave it their approval.

"I lay down this proposition," said Mr. Higby of California, "that when the States ratified the Constitution they yielded and subscribed to all the provisions of that instrument, among which provisions is the method by which the Constitution could be amended." Amplifying this argument, Mr. Morris said:

The majority agreed never to insert any new provision into the organic act unless two-thirds of the Congress should deem it necessary, and then three-fourths of the States should approve of it before it should be valid. Thus guarded the minority undertook and

provided that they would yield obedience to all and any changes thus inaugurated and approved; provided always, they did not conflict with the letter or spirit of the organic act.

Mr. Pendleton resumed his argument as to the power of Congress and a majority of the States to amend the Constitution. In a speech graceful, dignified and logical, which extorted praise from those who differed with him, he enforced the Calhoun theory of the paramount rights of the States as against the present purpose of the majority. He held that the right of amendment granted by the Constitution is limited in two ways, first by the letter of the Constitution itself, and next by the spirit and intent and scope of that instrument, and by the idea which underlies it all as a foundation. He was not explicit in defining his first proposition, and placed greater reliance on his second, as did his great exemplar when pleading for the maintenance of equality of the sections in the Senate. Congress cannot, under the power of amendment, contravene the letter and spirit of the Constitution; cannot destroy the liberties of the States; cannot decide the status of the citizens of the States; cannot, against the spirit of the fundamental law, impose an amendment upon dissenting States by force; the right to resist by force belongs to such dissenting States.

Mr. Boutwell, while agreeing with Mr. Pendleton that the power to amend the Constitution was not an unlimited power, held that the limitation is to be found in the preamble, to which an amendment, to have both moral and legal force, must conform.

An amendment which tends to "a more perfect union, to establish justice, to insure domestic tranquillity, to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity," is an amendment which, when made according to the form prescribed in the Constitution, is both morally and legally binding upon the people of the country.

The proposed Thirteenth Amendment he believed to be in

conformity with those objects, while an amendment to establish slavery would be contrary to them.

The support which Mr. Pendleton gave to the constitutional amendment reported by Mr. Corwin from the Committee of Thirty-three in 1861, which deprived Congress of the power to abolish or interfere, within any State, with the domestic institutions thereof, was inconsistent with his present position. If the Congress then had the power to amend the Constitution so as to prohibit interference with slavery, inquired Mr. Farnsworth, why could they not in 1864 adopt an amendment prohibiting slavery? But Mr. Pendleton belonged to the school of the past, a school destroyed by the war.

If the Northern Democrats of the Calhoun faith failed to read a lesson in the revolution inaugurated by the Southern aristocracy, there were Southern men in the House as well as in the Senate who welcomed the opportunity to make freedom national. Mr. Creswell of Maryland, Mr. Rollins of Missouri, Mr. Yeaman and Green Clay Smith of Kentucky, as well as others, repudiated the extreme State-rights dogma which had led the South into rebellion—a dogma which now found its chief advocate in the North. Mr. Yeaman justified his support of the amendment on the ground that "it is wise and is required by the facts and circumstances which surround the people of Kentucky and of the nation, and which have been called into being and power by the war, and which they *must* deal with and *cannot avoid.*"

Nothing, said Mr. Smith, surprised him more than the advocacy in Congress at this day of doctrines which had their origin in the heated brains of Southern fire-eaters, and which had brought the country to its present deplorable condition. The Constitution emanated from the people, "and when the people see proper to amend their fundamental law, if it is in harmony with that instrument itself, and in accordance with the best interests of the people, he who dares proclaim the sentiment that it is not only the right but the sacred duty of an individual State to resist such an amendment when adopted, announces himself as a revolutionist and deserves the execra-

tion of men who favor law and order in the land." Mr. Smith advocated the amendment because he wanted peace in Kentucky—because he wanted the people of the whole country united. It was slavery that kept the South down, unprosperous and undeveloped. The time had come, and he thanked God for it, when they could destroy the institution. Then Kentucky would stand among the proudest of the States of the Union.

Thaddeus Stevens and Mr. Pendleton inevitably came into conflict when the war or its cause was under consideration.

> When we all moulder in the dust [said the former in reply to his antagonist], he may have his epitaph written, if it be truly written, "Here rests the ablest and most pertinacious defender of slavery, and opponent of liberty"; and I will be satisfied if my epitaph shall be written thus: "Here lies one who never rose to any eminence, and who only courted the low ambition to have it said that he had striven to ameliorate the condition of the poor, the lowly, the downtrodden of every race and language and color."

Such was the popular interest excited by the debate on the amendment, when the day for taking the vote on the adoption of the resolution arrived, that the floor and galleries of the hall of the House presented an animated scene. Members of the Supreme Court, Senators and Cabinet officers were upon the floor. The representatives of foreign governments occupied the diplomatic gallery. The other galleries were filled with ladies, distinguished citizens visiting the capital, officers on leave of absence from the army and the brilliant correspondents of the newspaper press. The brief closing speeches allowed occupied the time until four o'clock. The vote on the adoption of the resolution was taken amid breathless silence. There was applause when the Speaker, Mr. Colfax, voted "aye." This ends the voting. Swift pencils run up the division lists. The clerk whispers to the Speaker, who says with visible emotion; "The constitutional majority of two-thirds having voted in the affirmative, the joint resolution

is adopted." There were in fact five more than two-thirds.[1] The announcement was received with such an outburst of enthusiasm as was never before witnessed in that hall. Members sprang to their feet, cheering and clapping their hands; the spectators in the galleries applauded, the ladies rising and waving their handkerchiefs. As this manifestation of joy subsided after several minutes' duration, Mr. Ingersoll of Illinois said: "Mr. Speaker, in honor of this immortal and sublime event I move that the House do now adjourn."

As the audience dispersed, the conviction was in every heart that a mighty work had been accomplished—that the way leading to a reunion of the States and the establishment of peace and fraternity had been entered upon at last. Some months before Mr. Sumner had seen the fugitive slave laws blotted out by this same Congress, and now the institution which had erected them for its protection received a fatal blow. The amendment received the vote of three-fourths of the States as required, and on the 18th of December, 1865, by proclamation of the President, the Thirteenth Amendment became a part of the Constitution of the United States.

While the Thirteenth Amendment was still on the calendar of the House, the subject of reconstruction was receiving attention. There was a wide difference of opinion among the supporters of the government as to the status of rebellious States; as to the limitations of the military powers of the executive, and the extent of the jurisdiction of the legislative department of the government in the work of reconstruction. The conditions were anomalous. The questions arising therefrom were new and of vast importance, and their consideration invited a free interchange of views. That there should be a conflict of opinion in a free country was inevitable. The regrettable thing is that the President and the leaders of the factions in Congress did not reach some harmonious basis of action before the work of reconstruction was entered upon.

[1] The vote stood: Yeas, 119; nays, 56; not voting, 8. For the debate in the House, see *Cong. Globe*, 1st and 2d Sessions, Thirty-eighth Congress. The vote was taken January 31, 1865.

We have seen that the appointment of military governors when the army had obtained a foothold in the States fell under the censure of Mr. Stevens and other radicals, but the policy had the approval of Unionists generally. The restoration of order and its preservation through the administration of local law was the first step in the work of reconstruction. After that, consideration of the larger question should follow in an orderly manner, without an undue intervention of the military power.

Mr. Lincoln was impatient for the restoration of one or more of the seceded States. This work once accomplished would make a profound impression upon England and France, whose unfriendly attitude was a constant source of anxiety. It would encourage the people of the loyal States to cheerful perseverance in the only practical course to overcome the rebellion. If the confederate power could be expelled from Tennessee, he felt that the large population of Unionists in that State could restore the supremacy of civil law and bring Tennessee once more within the Union fold. Hence the urgency of his appeals to the military commanders. The plan of reconstruction which he believed to be practicable was outlined in his annual message, December, 1863, and in his amnesty proclamation. In the former he held that the constitutional obligation to guarantee to every State in the Union a republican form of government

> contemplates a case wherein the elements within a State favorable to republican government in the Union may be too feeble for an opposite and hostile element external to or even within the State, and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a revived State government constructed in whole or in preponderating part from the very element against whose hostility and violence it is to be protected is simply absurd. There must be a test by which to separate the opposing elements so as to build only from the sound, and that test is a sufficiently liberal one which accepts as sound whosoever will make a sworn recantation of his former unsoundness.

The form of this test was given in the proclamation. A

government established in the manner prescribed he declared would be recognized by the President as the true government of the State. This much was held to be within the power of the executive. The admission of persons elected under the same State government to the two Houses of Congress he declared, "rests exclusively with the respective Houses, and not to any extent with the executive."

Holding to this view, the President proceeded to the execution of his plan in Louisiana, Arkansas and Tennessee. He had before urged upon loyal citizens in those States the importance of prompt action, and had carefully instructed the officers representing the government in their duties. There were popular movements in both Louisiana and Arkansas looking to the establishment of State governments. A large convention held in New Orleans on the 8th of January, 1864, adopted resolutions endorsing the proclamations of the President. Three days later General Banks, then in command of the military district, to whom the President had confided the task of reconstructing Louisiana rather than to Governor Shepley, issued a proclamation as requested by the convention appointing an election for State officers on the 22d of February, who were to be installed on the 4th of March. Michael Hahn, representing the conservative policy of the President, received a majority of the votes cast and was declared elected Governor.[1] The franchise was limited, of course, to white citizens who had taken the oath prescribed in the amnesty proclamation. The scheme of reconstruction was completed by the adoption in September of a constitution which had been formed in a convention duly elected for that purpose, whose sessions began on the first Monday in April. The constitution provided for immediate emancipation, without conditions or compensation. It conferred upon the Legislature the power to grant the right of suffrage to negroes, and required that pro-

[1] Of the 11,411 votes cast, Mr. Hahn received 6183; B. F. Flanders, candidate of the radical free State party, received 2232; and C. Roselius, candidate of the planters, who wished the State recognized under the old constitution and slavery preserved, received 2996 votes.

vision should be made for the education of all children without distinction as to color. Mr. Lincoln, in a letter to Governor Hahn, had said:

> And now you are about to have a convention which among other things will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in, as for instance the very intelligent and especially those who have fought gallantly in our ranks. They would probably help in some trying time in the future to keep the jewel of Liberty in the family of Freedom.

The reader will do well to keep this passage in mind.

Similar proceedings and elections took place in Arkansas during the winter and spring of 1864. A constitution which abolished slavery and prohibited the payment of any obligation incurred by the State in behalf of rebellion was adopted by a popular vote of 11,953 for, to 226 against it, representing forty counties of the State. Isaac Murphy was installed as Governor, three members of Congress were elected, and William M. Fishback and Elisha Baxter were chosen United States Senators to fill the vacancies of the previous incumbents. When these gentlemen presented their credentials at Washington, the whole subject of reconstruction was under consideration in both Houses of Congress, and they were not admitted to seats. In the Senate Mr. Sumner offered the following resolution, which is a clear statement of the attitude of Congress:

> *Resolved*, That a State pretending to secede from the Union, and battling against the general government to maintain that position must be regarded as a rebel State, subject to military occupation, and without representation on this floor, until it has been readmitted by a vote of both Houses of Congress; and the Senate will decline to entertain any application from any such rebel State until after such a vote of both Houses.

Mr. Sumner held that the power to determine the status of the seceded States and to initiate the preliminary process for

their restoration was exclusively vested in Congress; and that the purely military authority of the President was provisional in its scope. "Permanent civil governments with a right of representation in Congress and in the electoral college cannot be constituted by the President."[1] Mr. Sumner quoted the opinion of the Supreme Court of the United States in the case of Luther *vs.* Borden (7 Howard, 42), that under the fourth article of the Constitution "it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not." Applying this rule to Arkansas, where a republican government had been overthrown by rebellion, Mr. Sumner said further: "Congress must see that such government is restored; and to this end it has all needful power. Congress, and not the President, must decide when the restoration has taken place." While many did not adopt Mr. Sumner's views on some phases of the subject, it was clearly the purpose of Congress to retain control of the reconstruction of the insurgent States.

Henry Winter Davis of Maryland, chairman of the Committee on Rebellious States, on the 15th of February reported "a bill to guarantee a republican form of government to certain States whose governments had been overthrown," which embodied the congressional plan of reconstruction. It authorized the President to appoint for each of the States declared in rebellion a provisional Governor who was charged with the civil administration until a State government should be organized. It made it the duty of said Governor, as soon as military resistance to the United States ceased, to direct the marshal to enroll all the white male citizens in their respective counties, submitting to each an oath to support the Constitution. If a majority of the citizens should take and subscribe the oath, the Governor was to order an election of delegates to a constitutional convention. This convention

[1] *Cong. Globe*, June 13, 1864, p. 2898.

was required to declare, on behalf of the people of the State, their submission to the Constitution and laws of the United States, and incorporate in their own organic law the following provisions:

1. No person who has held or exercised any office, civil or military, except offices merely ministerial and military below the grade of colonel, State or Confederate, under the usurping power, shall vote for or be a member of the Legislature or Governor.
2. Involuntary servitude is forever prohibited, and the freedom of all persons is forever guaranteed in the State.
3. No debt, State or Confederate, created by or under the usurping power, shall be recognized or paid by the State.

When a constitution containing these provisions should be framed by the convention and adopted by the popular vote as already enrolled, the Governor should certify that fact to the President, who, after obtaining the assent of Congress, should by proclamation declare the State government so established to be the constitutional government of the State, competent to elect Senators and Representatives in Congress and electors of President and Vice-President.

This bill agreed with the President's plan substantially as to the classes to be excluded on account of participation in the rebellion, and as to the qualification for suffrage. It was more explicit as to the prohibition of slavery and in guaranteeing the freedom of all persons forever, and it required the assent of a majority instead of only one-tenth to all of these conditions—thus establishing a solid basis for order and the security for freedom. It was in these respects wiser and juster than the President's plan.

The Democratic opposition objected to the President's position that the insurgent States had forfeited their State governments, and his conditions that the people of those States must now repudiate the constitutions which governed them peacefully many years and form new ones, and also renounce their right to their slave property. This was declared to be an abandonment of the doctrine previously announced by

Congress and the President—that all the acts of the insurgent States and people tending to their secession and independence were void; and that when the force of rebellion should be spent, it would leave the constitutions, laws, property and institutions of those States in every respect the same that they were previously excepting only the changes produced by the mere shock of arms, the principle, *status ante bellum*, being applicable.[1] This argument failed to recognize the fact that the prolongation of the war had inevitably involved the destruction of slavery by the military power, and that under any plan of reconstruction the freed people could not be returned to slavery.

The Democrats held to the doctrine that the seceded States were still in the Union[2] and that by ceasing to war upon the general government, and on the election of Senators and Representatives, they could resume their relations to the other States. They had the authority of the administration for this opinion. When the French Emperor, through M. Drouyn de l'Huys, suggested that the United States government should appoint commissioners to meet, on neutral ground, commissioners of the Confederacy, Mr. Seward replied that there was a better forum for such conferences than the one suggested by the Emperor: that "the Congress of the United States furnishes the constitutional forum for debates between the alienated parties. Senators and Representatives from the loyal portion of the people are there already; and seats are vacant and inviting Senators and Representatives of the discontented party, who may be constitutionally sent there from the States involved in the insurrection."[3]

The proposition stated by Mr. Davis in his speech in exposition of the principles of the bill, that the fourth article of the Constitution as declared by Chief Justice Taney in the opinion of the court in Luther *vs.* Borden, vested in the Con-

[1] Resolutions of Garrett Davis, and remarks on the motion for his expulsion,—*Cong. Globe*, Jan. 13, 1864.

[2] This was Republican doctrine, too, but differences arose as to the penalties incurred by rebellion.

[3] Diplomatic Correspondence, Feb. 6, 1863.

gress a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual, Mr. Pendleton declared to be monstrous.

> It subjects all the States to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute, unqualified despotism. . . . The rights of the people of the State are nothing; their will is nothing. Congress first decides; the people of the whole Union revise. . . . Woe be to the day when that doctrine shall be established, for from its centralized despotism we will appeal to the sword.[1]

When the bill was before the Senate, the chief defence of the Democratic position fell to Mr. Carlile of West Virginia. The settled law of the land, said he, infringed for the first time by the admission of West Virginia, was that the Congress had no power to impose by law limitations affecting the right of the people of a State to regulate their own domestic affairs, even when sought to be applied to the inhabitants of a territory seeking admission into the Union. Then, carrying his argument to its logical conclusion, he declared that if Congress could limit the power of the people as to one subject of domestic legislation, it could as to all. If it could make one provision of a constitution for a people, it could make the entire instrument itself.[2] To reach the extreme positions taken by Mr. Pendleton and Senator Carlile (who labored for the preservation of the institution of slavery, the inciting cause of the rebellion), it was necessary to deny the application of the constitutional provision requiring the United States to guarantee a republican form of government, and the decision of the Supreme Court placing the duty wholly with Congress.

Mr. Wade had charge of the bill in the Senate, and on the 1st of July explained its provisions. He did not fail to controvert the doctrine that States might lose their organization, their rights as States, and their corporate capacity by rebellion.

[1] *Annual Cyclopædia*, 1864, p. 298. *Cong. Globe*, May 4th. [2] *Ibid.*, p. 302.

He held, on the contrary, that once a State of the Union always a State; that wrong and violence cannot displace the rights of anybody or disorganize the State. The framers of the Constitution, foreseeing that some States might go into rebellion and set up some hostile government of their own, made provision for such a contingency. "The act of rebellion is void. It may have physical force for the moment to displace rights; but the law never yields to any such power as that. The law never anywhere acknowledges that right can be overthrown by wrongful action." The general government, therefore, interposes the strong arm of power to prevent the subversion of government and of rights, and under the authority given by the organic law guarantees to such States a republican form of government.

In justification of the clause in the bill making emancipation a condition of reconstruction, Mr. Wade said:

> The sad experience of this terrible revolution has, as we Union men believe, grown out of the institution of slavery alone. Would we then, in guaranteeing a republican form of government, suffer it to be mixed up with anomalous elements calculated to destroy immediately what we set up? In the light of our present experience I ask any man who is a lover of peace and who intends to make a constitution that shall live forever, saying nothing of slavery in any other than a political point of view, would it be safe, would it be wise for us in the work of reconstruction to permit the insurgent States to retain this element of discord?

The bill was passed in the closing hours of the session and laid before the President, who was present at the Capitol to facilitate the execution of business. He declined to sign it, nor did he veto it. He pocketed it, and thereby affronted the legislative department. It would seem that Mr. Lincoln was either not indifferent to the assertions of the press that the measure was meant as a rebuke to him, and to the criticisms members let fall in debate; or, that he was determined to force Congress to accept his plan of reconstruction. He was not wont to let pride of opinion stand in the way of the promotion of the common welfare, and yet he showed a feeling of resent-

ment in this instance. It was unfortunate for the country. A few months will show the evil the disagreement between Congress and the President foreboded.

Mr. Lincoln adopted the unprecedented course of issuing a proclamation [1] in which he referred to the bill he had declined to sign as the expression of the sense of Congress upon the subject of reconstruction. This plan he now thought fit to lay before the people for their consideration. He added that he was, as in December when he had propounded a plan for restoration, unprepared by a formal approval of this bill to commit himself inflexibly to any single plan of restoration, and also unprepared to declare that the free State constitutions and governments already adopted and installed in Louisiana and Arkansas should be set aside and held for naught, thereby repelling and discouraging the loyal citizens who had set up the same, or to declare a constitutional competency in Congress to abolish slavery in the States—though sincerely hoping at the same time that a constitutional amendment abolishing slavery in all the States might be adopted. Nevertheless he was fully satisfied with the system for restoration contained in the bill as one very proper for the loyal people of any State choosing to adopt it; and he was, and at all times should be, prepared to give the executive aid and assistance to any such people, so soon as the military resistance to the United States should be suppressed in such State, and the people thereof should have sufficiently returned to their obedience to the Constitution and laws of the United States—in which cases military governors would be appointed, with directions to proceed according to the bill.

[1] Dated July 8, 1864.

"Mr. Sumner stated, on the floor of the Senate, that he had had an interview with President Lincoln immediately after the publication of that proclamation, and it was the subject of very minute and protracted conversation, in the course of which, after discussing the details, Mr. Lincoln expressed his regret that he had not approved the bill. I have always thought that Mr. Lincoln made a serious mistake in defeating a measure which, if adopted, would have averted many if not all the difficulties that subsequently arose in the reconstruction of the rebel States."—*Recollections of John Sherman*, vol. i., p. 361.

Presidents before and since Mr. Lincoln's time, when not wholly approving a measure, but reluctant to disregard the opinion of the representatives of the people, have affixed their signatures and accompanied the act with reasons therefor. In this way the differences have been referred to the people for their consideration, without risk of interrupting the public business. The extraordinary course of Mr. Lincoln invited a counter proclamation on behalf of Congress. This shortly appeared in the form of a "Protest," written in vigorous and caustic language and signed by Benjamin F. Wade and Henry Winter Davis, who had had charge of the bill in the two Houses. They pointed out the differences between the two plans of reconstruction, to the disadvantage of the President's, and concluded their formidable arraignment in the following language:

> The President has greatly presumed on the forbearance which the supporters of his administration have so long practised, in view of the arduous conflict in which we are engaged, and the reckless ferocity of our political opponents. But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected; that the whole body of the Union men of Congress will not submit to be impeached by him of rash and unconstitutional legislation; and if he wishes our support he must confine himself to his executive duties—to obey and execute, not make the laws—to suppress by arms armed rebellion and leave political reorganization to Congress.[1]

An effort was made in the next session to secure a recognition by Congress of Mr. Lincoln's Louisiana government, under the lead of Senator Trumbull, but notwithstanding the Union majority were working in harmony with the President, it was defeated through the persistent opposition of Mr. Sumner.[2] In the absence of a closure rule in the Senate, it is pos-

[1] *Annual Cyclopædia*, p. 307, *et seq.*

[2] Pierce's *Sumner*, vol. iv., p. 219. The author says: "No part of Mr. Lincoln's entire official course was so open to exception as that which he pursued on this subject of reconstruction; where he seemed to assert power for himself to the exclusion of the people of the United States and of Congress."

sible for a minority effectually to obstruct legislation. Mr. Lincoln, however, triumphed, and kept control of the work of reconstruction.

The quarrel was thrust before the country while the presidential campaign was in progress, and at a time when the feeling of discouragement was widespread. Mr. Lincoln was the candidate of the Union party, and was himself at this time doubtful of his election. That candidacy is an important part of the history of 1864.

There were two Lincolns filling the office of President—the Lincoln of the plain people, and the Lincoln of the community of Washington. To the former he was a homely, honest, conscientious and kindly man, who was disinterestedly seeking the welfare of the nation, surrounded by difficulties and temptations and having to contend with the machinations of crafty and ambitious men. To them he was the embodiment of benevolence, of tenderness, of fatherly solicitude, for they had heard of the pardoning of a youthful soldier condemned to death by the stern law of war for sleeping at his post. To them he was the oracle of wisdom, for he needed no other interpreter than their understanding. "Lincoln is just such a man," said an English mechanic who had been received at the White House—"Lincoln is just such a man as I love to be in company with. He *finds a bright side in every question*, and is sure to illustrate his argument with a witty joke." This workingman had just immigrated, and, as one of a committee of three, called upon the President to explain a mechanics' strike. How natural and graphic is his description of the scene:

> We opened the door ourselves. Mr. Lincoln was busy writing. When we had reached about half way into the room, he sprang to his feet with a smartness that quite surprised me, shook hands with all in turn, drew forth some chairs and requested us to be seated. When we had complied, he sat down himself, threw out his long legs in true Yankee style, drew his hand across his face lighted up with honest smiles, and began, "Well, gentlemen, I see what your business is by your note," but it is useless to set down all that was said.

I can say, that it is almost impossible to keep a straight face in his company, he being so brimful of jokes, all having some bearing on the subject under consideration. But now and again in his argument he rivets your serious attention. You cannot misunderstand him, he is so solid.[1]

Is not that the Lincoln whom all love and revere—the Lincoln immortal in history? In the most surprising way, the common people in England had early learned to know the man, Lincoln, even as the mass of Americans knew him in their hearts, and waited patiently for him to overcome the rebellion. They wanted cotton to keep the mills employed, but they wanted first the bondmen set free. They sent Mr. Lincoln messages of encouragement to which he feelingly responded.

Under the circumstances [said he], I cannot but regard your decisive utterances upon the question as an instance of sublime Christian heroism, which has not been surpassed in any age or in any country. It is indeed an energetic and reinspiring assurance of the inherent power of truth, and of the ultimate and universal triumph of justice, humanity and freedom.[2]

There was a lack of harmony between official Washington and the President. Congress disapproved of him while supporting him with all the power of the legislature and all the wealth of the nation. Officials, even members of his Cabinet, disapproved of him, because of his strange and unbusinesslike methods. There was a poetic quality in Lincoln's nature in constant rebellion against the prosaic duties of his position. He could think profoundly, he could express his thoughts in original and forceful language, and, when the occasion called for it, he proved himself a greater master of statecraft than any of his compeers. But he longed for human sympathy; he loved the bright, the genial, the companionable side of life, his heart melted in the presence of distress and sorrow; he

[1] Manchester (Eng.) *Guardian*.

[2] Letter to the workingmen of Manchester, Jan. 19, 1863. Raymond's *Lincoln*, p. 497.

hated the sight of bonds, the cold rigidity of formal rules. So misunderstood was he in official Washington, that the question was asked, Can this man ever be serious? It was observed by a good and highly intelligent man that in the political life of Washington, the most striking thing was the absence of personal loyalty to the President; that he had no admirers, no enthusiastic supporters, none "to bet on his head."[1] This was after Mr. Lincoln had been in office two years. Something of this was due to the alienation of friends on failing to receive official appointments, and something to offended pride or resentment following the rejection of advice. But there were men of culture and high purposes, profoundly in earnest, who felt with Mr. Chase that Mr. Lincoln did not act or talk or feel like the ruler of a great empire in a great crisis. Hence we are prepared for the remark that the influence of this opinion had a "disastrous effect on all departments and classes of officials, as well as on the public."[2] Fourteen months later this same observer, expresses a deeper and more sympathetic interest in the President after frequent intercourse with him. "His life seems a series of wise, sound conclusions, slowly reached, oddly worked out, on great questions, with constant failures in administration of details and dealings with individuals."[3]

The cautious and moderate policy of the President, dictated by wise sagacity in a crisis, had from the beginning been condemned by the radical element of the Republican party. Its support was given to the government from a patriotic sense of duty, but grudgingly. Naturally and consistently when the time approached for holding a national convention of the party, those who believed that the situation of the country demanded an executive in all respects *thorough*, cast about for a candidate who possessed the qualities they most admired. Mr. Chase, Secretary of the Treasury, possessed their confidence to a greater degree than any other public man. He had not at any time concealed his dissatisfaction with Mr.

[1] Letters of Richard Henry Dana to Charles Francis Adams. Adams's *Dana*, vol. ii., p. 264. [2] *Ibid.* [3] *Ibid.*, p. 274.

Lincoln's policy, and with the management of the Army of the Potomac. He had carried this freedom of expression, of dissent, perhaps, beyond the limits of propriety, considering his official relations. Yet it was the customary thing for the members of Mr. Lincoln's Cabinet, with the exception of Mr. Seward, to allow themselves great latitude in criticising each other and the general conduct of affairs. This tendency, doubtless, was aggravated by the dominating disposition and love of intrigue in political affairs of Mr. Blair. He fell heir to the methods of the Jackson *régime*. Between him and the dignified head of the Treasury Department there was a natural antipathy.

Mr. Chase's feelings toward Mr. Lincoln were expressed in a letter to the latter written on Washington's birthday, announcing to him that he had yielded to the solicitations of a committee of Senators and Representatives, and had consented to the use of his name for the presidency. He cherished for him "sincere respect and esteem" and "affection." This is confirmed in a letter previously written to a friend, in which he said that, if to his kindliness of spirit and good sense Mr. Lincoln "joined strong will and energetic action, there would be little left to wish for in him." This opinion was generally shared by those earnest radicals who were early anti-slavery men, and who now wanted thorough work in dealing with the slavery question. But there were conservatives who preferred the nomination of Mr. Chase to that of Mr. Lincoln, believing that the former had more executive ability than Mr. Lincoln. Mr. Sherman was a representative of this class.[1] Some of Mr. Chase's radical supporters were so indiscreet as to show a feeling of resentment towards the President, which was calculated to injure the Secretary of the Treasury rather than his chief. Senator Pomeroy of Kansas not only arraigned the administration in a speech on the floor of the Senate, but he issued a circular in which he declared that if Mr. Lincoln should receive the nomination at Baltimore he would be defeated at the polls.

[1] Letter to the editor of the Cincinnati *Gazette*, March 3, 1864. Mr. Sherman added: "If Mr. Lincoln should be nominated he will receive my hearty support. I have no doubt he will be elected, if nominated."

Mr. Lincoln had the instinct of popularity and he knew better than any other public man of his time when and how to invoke it. Thus in December, 1863, one within the inner circle of his political friends said confidently: "Mr. Lincoln will surely keep his head above water with the radicals. His last proclamation has settled the issue as between him and Chase. You can overturn a pyramid as easily as you can upset Lincoln in popular esteem."[1] But the interests of Mr. Lincoln were not left to the chances of popular favor, inconsistent as the winds of heaven. There was organization over which was the directing mind of Montgomery Blair, the Postmaster-General. The plan of campaign was that every State should declare for Mr. Lincoln in advance of any convention. The merit of this plan lay in preoccupying the field and directing the public attention to one candidate. The Blairs persuaded the Legislature of Maryland to declare for the renomination of Mr. Lincoln. A similar resolution was adopted by the Pennsylvania Legislature on the suggestion of Simon Cameron. These able politicians knew from their experience in the Jackson-Clay contests the value of such expressions in setting the current in the right direction. This was the policy adopted to settle the issue between Mr. Lincoln and Mr. Chase. "How," it was asked, "would Governor Brough and the Legislature view such a movement in Ohio?"[2] The answer was the most significant compliment the President received. He must have been greatly gratified. In February, in a Union caucus, held in the hall of the House of Representatives at Columbus, which was attended by the State officers and many of the citizens of the State active in the war, and which was addressed by the Governor, the following resolution was adopted by a unanimous vote:

Resolved, That in the opinion of this convention, the people of Ohio and her soldiers in the army, demand the renomination of Abraham Lincoln to the presidency of the United States.

[1] The Hon. Joseph H. Barrett to the writer. *MS.*
[2] Letter to the writer, Jan. 22d. *MS.*

The animation of the speakers and the enthusiasm with which the resolution was received dissipated all doubt as to what the public sentiment of Ohio was. Mr. Chase recognizing it, withdrew his name from the canvass in a graceful letter. Radicals who still hoped to prevent Mr. Lincoln's selection met in Cleveland on the 31st of May and nominated General Frémont for President and General John Cochrane of New York for Vice-President. The platform favored the prosecution of the war, the preservation of the writ of *habeas corpus*, the right of asylum,[1] amendments to the Constitution to prevent the continuance or re-establishment of slavery, and the maintenance of the Monroe Doctrine. It declared for the election of President by direct vote of the people, for a single term, and for the confiscation of the lands of the rebels and their distribution among the soldiers and actual settlers. In his letter of acceptance, General Frémont repudiated the confiscation clause of the platform. He intimated that if the Baltimore convention would nominate any one but Mr. Lincoln he would withdraw in favor of that nominee. He announced that he had resigned his commission in the army.

There were others in opposition, who attempted to change the current of popular favor from Mr. Lincoln to General Grant. An enthusiastic mass meeting held in New York, June 4th, to express gratitude to that general and the soldiers under his command, was used to mask the movement. Taking advantage of an invitation to be present, the President wrote a letter eulogizing General Grant and the army and expressing the hope that those participating in the meeting would so shape their good words that they might turn to men and guns, moving to the support of that general and his brave soldiers, who were in the midst of their great trial. Thus the meeting was used for a good purpose. General Grant let it be made known through a friend that he would not accept a nomination to the presidency, and that his name could not be used by politicians to divide Union men.

[1] With reference to the surrender of Don Jose Augustine Arguelles, who was a colonel in the Spanish army, to the authorities of Cuba without a hearing.

The national Union-Republican convention, numbering five hundred delegates, met at Baltimore on Tuesday, June 7th. Tennessee, Louisiana and Arkansas were represented, as well as all of the loyal States. An interesting incident was the enthusiastic reception given to the Rev. Robert J. Breckinridge of Kentucky, who was made temporary chairman. Ex-Governor William Dennison of Ohio was made permanent president. After perfecting the organization, the convention adjourned till Wednesday morning. The committee on credentials reported in favor of admitting the radical Union delegation of Missouri, as the one regularly chosen, and excluding the conservative Union, or Blair delegation, and the convention sustained the report. The committee also reported in favor of admitting to seats the delegations from Tennessee, Louisiana and Arkansas, without the right to vote. On motion of Preston King, the report was amended, giving them equal privileges in the convention with delegates from other States. The adoption of the amendment decided the choice of Vice-President. Before this result was reached, Thaddeus Stevens made an effort to secure the adoption of a resolution against the admission of delegates from insurgent States until specifically re-admitted to the Union. He was unsuccessful. This was a Lincoln convention, and the Lincoln policy of reconstruction could not be so summarily dealt with.

The platform, which was reported by Henry J. Raymond, chairman of the Committee on Resolutions, was a concise expression of the principles and policy of the party of the day. There was no appeal to the dead past. What the experience of war had shown to be necessary for the salvation of the Republic was affirmed as the policy to be pursued until all should be made secure. This policy required the maintenance of the army and navy for the prosecution of the war with vigor, and a determination "not to compromise with rebels nor to offer them any terms of peace except such as may be based upon an unconditional surrender of their hostility and a return to their just allegiance to the Constitution and laws of the United States." It declared "that as slavery was the cause and now

constitutes the strength of this rebellion, and as it must be always and everywhere hostile to the principles of a republican government, justice and the national safety demand its utter and complete extirpation from the soil of the Republic"; and that, while upholding the acts and proclamations by which the government in its own defence had aimed a death-blow at this gigantic evil, there was yet need for such an amendment to the Constitution as should terminate and forever prohibit the existence of slavery within the jurisdiction of the United States. It required the government to protect all men employed in its armies without distinction of color, and to keep inviolate the national faith pledged for the redemption of the public debt. The reassertion of the Monroe Doctrine by the Secretary of State, in his protest against the occupation of Mexico by the French, was approved. A hint was conveyed to the President to reorganize his Cabinet, in the general expression that harmony should prevail in the national councils.

All of the delegates voted for Mr. Lincoln as the presidential nominee, except those from Missouri, who were instructed to cast their votes for General Grant. A motion to declare the vote unanimous was carried amid great enthusiasm. The charge of sectionalism made in 1856 and 1860 against the Republican party, on the ground that its candidates were selected from the North, influenced some to favor the candidacy of Andrew Johnson for Vice-President, and as he received the support of more than half of the New York delegation and the votes of three insurgent States admitted to seats in the convention against the protest of Mr. Stevens, he was nominated. When the despatch announcing the result was handed to Governor Brough, at Columbus, he exclaimed: "It is a fatal blunder. Trouble will come of it. I know the man."[1] Mr. Lincoln dictated the nomination of Mr. Johnson. For months before the meeting of the Baltimore convention the names of several War Democrats had been considered in connection with the office of Vice-President. Mr. Lincoln finally selected Andrew Johnson, at that time conspicuous on account

[1] Diary of the writer. *MS.*

of his efforts to restore Tennessee to the Union. Mr. Lincoln believed that to have a Southern Democrat as a running mate would greatly strengthen the ticket before the people, and that it would strengthen the Union sentiment abroad and lessen the peril of the intervention of England and France.[1] The selection of Daniel S. Dickinson would have been the recognition of the patriotic devotion to the cause of an able Democrat qualified for President. Or the nomination of Mr. Hamlin would have saved the convention from making a discrimination felt by many to be unjust.

The success of this ticket depended largely on the army. The guns of Grant and Sherman and Sheridan spoke with greater effect than tongue of orator though never so eloquent.

[1] *Reminiscences* of Col. Alex. K. McClure, long editor of the Philadelphia *Times*. Colonel McClure was confided in by Lincoln, and was one of the agents employed to bring about the nomination of Mr. Johnson. His account is very circumstantial.

CHAPTER VII

MILITARY DISCOURAGEMENTS — THE CHICAGO CONVENTION OF 1864—THE DOWNFALL OF THE CONFEDERACY

BEFORE General Grant was made commander-in-chief in the field, the various armies had acted separately and independently of each other, giving the enemy an opportunity often of depleting one command not pressed, to reinforce another more actively engaged.[1] From Washington orders would be sent to officers to make certain movements of which they seldom approved, as, for example, the Red River expedition, which was condemned by General Banks as ill advised, and if they fell short of the expectations of the War Department, results worked to the disadvantage of the officers. General Grant determined to stop this. He made the Army of the Potomac the centre of movement; all west to Memphis and north of the line, the right wing; the Army of the James, under General Butler, the left wing; and all south as a force in the rear of the enemy. Facing these, the confederate government had two armies—the Army of Northern Virginia, under the personal command of General Lee, and the forces under General Joseph E. Johnston, who was at Dalton, Georgia. General Grant's plan was to make a simultaneous movement all along the line. Sherman was to move from Chattanooga, Johnston's army and Atlanta being his objective points. General Crook, in command of the Kanawha district, was to move from the mouth of the Gauley River with a cavalry force and some artillery, the Virginia

[1] *Memoirs* of General Grant, vol. ii., p. 127.

& Tennessee railroad to be his objective. General Sigel, who was now in command in the valley of Virginia, was to advance up the valley covering the North from an invasion. General Butler was to advance by the James River, having Richmond and Petersburg as his objective. The cavalry force connected with the Army of the Potomac was placed under the command of General Sheridan.[1]

The masterly movement of Grant from the Rapidan and through the Wilderness was followed by the terrible slaughter and repulse at Cold Harbor and the discouraging investment of Petersburg. Meanwhile the forward movement of General Sherman through Georgia was veiled from the public by the rigid exclusion from his army of professional correspondents, and the control of volunteer correspondents within his lines. The depressing effect of military stagnation in the vicinity of Richmond and of ignorance of Sherman's movements was heightened by the vigor exhibited by the rebel general, Early, in the Shenandoah valley and John Morgan in Kentucky, and by the activity of the secret societies in that State, Missouri, Illinois, Indiana and Ohio, in spreading the feeling of dissatisfaction. The President declared martial law in Kentucky, a measure deemed necessary by the sympathy shown to Morgan's men. The repulse of General Wallace at Monocacy led the President to call for twelve thousand militia from each of the States of Maryland, Pennsylvania and New York. The audacity of the raiders in passing within four miles of Baltimore, capturing two trains on the Philadelphia & Baltimore railroad, and in menacing Washington, caused General Grant to send the Sixth Corps to aid in the defence, and also the Nineteenth, which had just arrived from New Orleans. The enemy retreated south of the Potomac July 13th, carrying away great quantities of property extorted from the Marylanders. In the last week of July the rebels penetrated as far as Chambersburg, Pennsylvania, which, in default of $100,000 in gold or $500,000 in currency demanded, they burnt to the ground. In addition to these mishaps the President had on

[1] *Memoirs* of General Grant, vol. ii., p. 129 *et seq.*

the 18th of July issued a call for another five hundred thousand men. The consternation caused by these events offset in a large degree the favorable news from Sherman, and the report of the sinking of the rebel cruiser *Alabama*, June 10th, off Cherbourg, by the *Kearsarge* under the command of Captain Winslow.

The resignation of the Secretary of the Treasury on the 29th of June added to the political complications and to the feeling of dissatisfaction. Aside from the danger of permanently alienating the radicals, prudent business men were becoming alarmed at the already vast proportions of the public debt, and the lavish expenditures made necessary by the large bounties authorized. The premium on gold was already fluctuating between 145 and 160, and on the announcement that the President proposed to make Governor Tod the successor of Mr. Chase touched 285, the highest point reached during the war.[1] The amount of the public debt was nearly $2,000,000,000.[2] The views of Mr. Chase on the finances were known to be conservative,—that he opposed measures tending to inflate the currency, and urged Congress to make provision for adequate taxation to sustain the credit of the country. His retirement, until the policy of Mr. Fessenden, who succeeded him, was understood, was regarded as a calamity. The determining difference that constrained the Secretary to tender his resignation, and Mr. Lincoln to accept it, arose from the selection of a successor to Mr. Cisco, the able Assistant Treasurer of the United States at New York, who had resigned the 1st of June. The President wished to oblige Senator Morgan in the appointment, but Mr. Chase took exception to his selections. "I fear," he noted in his diary, "Senator Morgan desires to make a political engine of the office, and loses sight, in this desire, of the necessities of the service." It had been objected to Mr. Cisco by the politicians of New York, that all of his employees, except some half-dozen, were

[1] The telegraphic financial report of July 5th stated that a few sales were made by bankers at 300. I have followed the record of the Gold Room.

[2] The close of the fiscal year showed the debt to be $1,815,784,370.

Democrats. Mr. Chase thought the statement erroneous, but insisted that, if true, the Democrats were Union men of the type of Andrew Johnson, and therefore war men and administration men. Efficiency and honesty were the qualifications the Secretary of the Treasury exacted. He defined the policy governing the administration of his office in his letter to the President inclosing his resignation:

In recommendations for office I have sincerely sought to get the best men for the places to be filled without reference to any other classification than supporters and opponents of your administration. Of the latter I have recommended none; among the former I have desired to know no distinction except degrees of fitness.

Perhaps his own selection in this case of disagreement lacked something of fitness. Be that as it may the difficulty was relieved by the withdrawal of Mr. Cisco's resignation.[1]

In accepting the resignation on the 30th, Mr. Lincoln described the situation in a sentence: "You and I have reached a point of mutual embarrassment in our official relations which it seems cannot be overcome or longer sustained consistently

[1] Before the President accepted the resignation of Mr. Chase, he had a conference with Governor Brough, who was then at the capital. An account of this, as related by the Governor, may throw some light on this interesting imbroglio. It is given here as written down on Governor Brough's return to Columbus.

On his way to the War Department Governor Brough met the President, who insisted on his entering the Executive Mansion with him. "The truth is," said Mr. Lincoln, "I have a little matter on hand which concerns the State of Ohio, and which I have a notion to tell you, though you must remember that it is not public until to-morrow." The Governor assured Mr. Lincoln that he never desired such confidences as they usually proved troublesome, but he inquired: "What is it—another Treasury imbroglio?"

Mr. Lincoln. "Right. Hit it the first time; it is a Treasury imbroglio."

Governor Brough. "Well, Mr. President, before going further, I have a question to ask: Is it beyond mediation?"

Mr. L. "Well" (hesitating), "perhaps and perhaps not. What do you propose?"

Gov. B. "First tell me the nature of the difficulty."

Mr. L. "It 's about the Cisco business."

Gov. B. "I don't wish to intrude, but for the interest of the country, and it

with the public service." And in this manner the two foremost statesmen of the anti-slavery and war period parted from each other. Their relations had been formal, never cordial, from the first. The dignified and exacting Chase, impatient at Mr. Lincoln's ways, failed to discover his real greatness. Men of smaller calibre, loving intrigue, absorbed in the game of politics, who had access to the ear of the President, made the ambition of Mr. Chase the cover for mean and unwarranted calumnies. These put into circulation deeply wounded Mr. Chase and moved him to repel them in his correspondence, and to declare the motives of his official acts. To a friend at home he wrote:

I have been working hard to raise the means to pay and clothe and feed the soldiers and sailors of the army and navy and to defray the costs of their great movements. My only ambition has been to contribute what I could in my place to the safety of the Republic and to promote the interests of the whole people and especially of the laboring masses, by the permanent establishment of a sound and uniform national currency.[1]

General Frank P. Blair finally openly accused the Secretary of the Treasury of being engaged in cotton speculations, the baselessness and malignity of which charges were shown

being nothing more serious than that, if you will delay action until to-morrow morning when I can get the Ohio men together, I think it can be arranged."

Mr. L. "But this is the third time he has thrown it at me, and I don't think I am called on to continue to beg him to take it back, especially when the country would not go to destruction in consequence."

Gov. B. "This is not simply a personal matter. The people will not understand it. They will insist there is no longer any harmony in the councils of the nation, and the retiring of the Secretary of the Treasury is a sure indication that the bottom is about to fall out. Therefore, to save the country from this backset, if you will give me time, I think Ohio can close the breach and the world be none the wiser."

Mr. L. "You doctored the business up once, but on the whole, Brough, I reckon you had better let it alone this time."

The conversational form is followed as preserved in the diary of the writer, July 12, 1864. *MS.*

[1] Letter to the Hon. Aaron F. Perry. *Warden*, p. 596.

under an investigation which the Secretary demanded. Mr. Chase believed this assault, made by the Blairs to impair the public confidence, to be endorsed by the President.[1] The latter repelled the imputation, and Mr. Chase was apparently satisfied with the explanation. But the two had come to the parting of the roads. The attitude of the faction of radical Republicans towards the administration rendered the withdrawal of the Secretary of the Treasury the only honorable solution.

Furthermore, Mr. Chase distrusted the tendencies of the Republican party. Jeffersonian political theories were embraced by him in early life, and he separated from the Democratic party only on account of slavery. If that great moral wrong were eliminated, what then? "If the Democrats would only cut loose from slavery and go for freedom and the protection of labor by a national currency, I would cheerfully go for any man they might nominate."[2]

The secret society now known as "The Order of American Knights," took advantage of the opportunity thus opened and formed the bold design of offering armed opposition in the States bordering on the Ohio. The numbers engaged in this treasonable work have already been noted, and the means which the State executives had for keeping watch of their movement. The 16th of August was the day fixed for the uprising and the seizure of the military camps and the release of rebel prisoners. Before that day arrived, the increase in the forces guarding these was notice that the plot was known. The members of the society did not desist in their purpose to resist the draft which had been ordered to meet the President's call. Governor Brough anticipated this by issuing a proclamation of warning.

> What can you who contemplate armed resistance [asked the Governor] reasonably expect to gain by such resistance? You may commit crime; you may shed blood; you may destroy property;

[1] Chase to Brough. *Warden*, p. 593.
[2] Record in Chase's diary, July 6, 1864. *Ibid.*, p. 627.

you may spread ruin and devastation over some localities of the State; you may give aid and comfort for a season to the rebels already in arms against the country; you may transfer, for a brief time, the horrors of war from the fields of the South to those of the State of Ohio; you may paralyze prosperity, and create consternation and alarm among our people. This is a bare possibility, but it is all you can hope to accomplish; for you have looked upon the progress of our present struggle to little purpose if you have not learned the great recuperative power, and the deep earnestness of the country in this contest. The final result will not be doubtful; the disaster to you will be complete, and the penalty will equal the enormity of the crime.

In midsummer a movement to bring about the withdrawal of Mr. Lincoln and the nomination of a new man was taking shape. Governor Andrew, Mr. Greeley, Mr. Bryant and many other men prominent in the anti-slavery contest were in correspondence over the crisis which the widespread dissatisfaction had created.[1] The criticisms which found their way into the columns of the New York *Tribune*, the *Evening Post*, the Cincinnati *Gazette* and other journals of high standing and influence represented the opinions of a large class of thoughtful, sincere and patriotic men. They believed the party of the Union could be saved from defeat only by a change of candidate. A conference, held at the residence of David Dudley Field in New York, August 14th, was attended by Mr. Greeley, Parke Godwin, William Curtis Noyes, Henry Winter Davis, Dr. Francis Lieber and a score of other well-known citizens. "It was agreed that a committee should request Mr. Lincoln to withdraw, and Grant was the name which found most favor as a substitute."[2] Mr. Sumner thought a change of candidate desirable, but only with Mr. Lincoln's free and voluntary withdrawal, and this was the position of Senator Collamer and John Jay.[3]

[1] The New York *Sun*, June 30, 1889, printed a large number of letters written to John Austen Stevens, in 1864, by distinguished citizens who believed it impossible to elect Mr. Lincoln.

[2] Pierce's *Sumner*, vol. iv., p. 197.

[3] *Ibid.*, p. 197.

Dr. Lieber observed that there was nothing necessarily against Mr. Lincoln in this movement;

but individuals wear out quickly in revolutionary times, were it for no other reason than that familiarity with a name takes from it the enthusiasm. Even Napoleon would not have been able to mount and bridle the steed of revolution, had he come in at first. The fact is, that there is no spark of that enthusiasm or inspiriting motive power, call it what you may, for Mr. Lincoln, without which you cannot move so comprehensive an election as that of a President. We must have a new man against a new man, and we cannot have him without Mr. Lincoln's withdrawal. Oh, that an angel could descend and show him what a beautiful stamp on his name in history such a withdrawal would be![1]

During this same month of August, Thomas Corwin, while on a visit to Governor Brough, repeated a remark made by Mr. Lincoln, that without military victories he might be beaten.[2] The Governor did not concur in this opinion. He believed that without any change of conditions Mr. Lincoln

[1] *Life and Letters of Francis Lieber*, p. 350.

[2] "Nor was Mr. Lincoln alone in his apprehension of defeat. Distrust and disintegration were common throughout the entire Republican organization, and nearly all the sincere supporters of Lincoln were in next to utter despair of political success. I spent an hour with him in the executive chamber some ten days before he wrote the memorandum [of August 23d, which expressed doubt of his re-election] and I never saw him more dejected in my life. His face, always sad in repose, was then saddened until it became a picture of despair, and he spoke of the want of sincere and earnest support from the Republican leaders with unusual freedom."—*Reminiscences of Col. Alex. K. McClure.*

The following letter, which is here made public for the first time, very clearly expressess the feeling of despondency then prevalent among earnest Union men in the Northern States:

"Office of the Cincinnati *Gazette*,
"Aug. 14, 1864.

"Joseph H. Barrett, Esq.

"My dear Sir,—On my return from a short summer vacation, I found your two last letters on my table. You folks at Washington seem to be blind as to the condition of affairs throughout the country.

"Everywhere Mr. Lincoln is dead. I did not meet, nor do I know in the whole circle of my acquaintance, half a dozen Lincoln men. He is a heavy weight to carry, and unless the Chicago convention blunders, we shall lose the

would be re-elected—that only a series of disasters in the field could defeat him. He had early been impressed with the peculiarity of this contest: that while there was an earnest desire to terminate the war, there was an equally earnest purpose to terminate it rightfully. Intercourse with the people during the present canvass confirmed this opinion. While there was wanting the enthusiasm usual in great political contests, the people were seriously in earnest and they would, indeed could, only vote the Union ticket. Furthermore, the tide would change when the national Democratic convention put a candidate in the field. It was morally certain that the convention would be dominated by the peace faction of the party. The delegates could not stultify the record by resolv-

election of President and also, I apprehend, the election of Congressmen to such an extent as to give the next House to the opposition.

"In the event of the nomination at Chicago of a peace Democrat, the people may be rallied *for the cause*, and the division on the Democratic side may give us success; but with a dead man for a candidate the prospect is gloomy enough.

"Some articles appeared in the *Gazette* during my absence of which I disapproved, and on my return I had it distinctly understood that thereafter unfavorable criticisms were to be avoided, and the best fight possible should be made for the cause. Throughout the canvass that is now going on, you will observe that Mr. Lincoln is ignored. Nowhere is his name received with the least enthusiasm; therefore speakers mention him as rarely as possible, and dodge the candidate while they assail the principles of the opposition. This must be the line of policy; any other would give our enemies the advantage. Had the Baltimore Convention been postponed, as we advocated, we should now be in a more hopeful condition. To-day Lincoln could not be nominated, but in his stead we should have a live man—not Chase, for he would be no better—but some other man—Dix for example. As it is, the best plan would be to withdraw Lincoln, but I do not hope for that. So anxious is he for the place that I fear he would sacrifice everything rather than step aside. He is deluded with the idea that he is personally popular, when the reverse is the fact, and his admirers, I apprehend, keep up the delusion. If he could now take a trip through the country he would return a wiser man.

"I hope something may turn up to clear away the gloom which surrounds us. With what I see around me, and feel, I am in no condition for a vigorous fight, and I would gladly quit the business if I could. But the cause is everything, and I shall try to work for that.

"The Wade-Davis protest is doing much mischief. 'To whom it may concern,' also. For God's sake let us have no more proclamations. . . .

"Truly yours,

"RICHARD SMITH."

ing to prosecute the war, and to recognize the freedom of the quarter of a million of human chattels already emancipated by the military power. If it should be proposed to return to slavery men of whom many were soldiers fighting bravely for the Union, this shameless breach of faith and inhumanity would rally the radicals to Mr. Lincoln's support and bring upon the heads of the authors of the proposition the vengeance of Heaven.[1] Thus reasoned one who possessed unusual political sagacity. The apathy of the people, due in part to exhaustion, disappeared when the opposition party publicly declared the war a failure.

The assembling of the Democratic National Convention in Chicago had been postponed until the 29th day of August to give ample time for consultation before a committal should be made. The conditions favored the peace men and their prominence fixed the character of the convention. Governor Seymour was made permanent president. Clement L. Vallandigham was the ruling spirit of the Committee on Resolutions. Associated with him there were no men of ability except Samuel J. Tilden and Mr. Guthrie. There seems to have been unanimity in reporting the platform, the second resolution only of which is of historical importance, as showing that the fatuous course adopted by a faction of the Democratic party in the beginning of the sectional controversy was to be continued to the end. It reads as follows:

Resolved, That this convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of military necessity, or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty and the public welfare demand that immediate

[1] Memorandum of the writer. *MS.* Compare with letter of Brough to Chase, *Ohio in the War*. The writer, who was a candidate on the State ticket, found the Governor's observation as to the resolute purpose of the people confirmed. Mr. Corwin was greatly encouraged by his talk with Governor Brough.

efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the federal Union of the States.

General George B. McClellan was nominated for President on the first ballot. Having secured a peace platform, Mr. Vallandigham moved to make the vote unanimous. George H. Pendleton, the ablest representative of the peace party prominently before the public, was unanimously nominated for Vice-President on the second ballot, all other names being withdrawn. On the first ballot James Guthrie of Kentucky, who had been in favor of a vigorous prosecution of the war, received sixty-five and one-half votes. In his letter of acceptance, General McClellan endeavored to stem the rising tide of public condemnation by qualifying the most offensive clauses of the platform. Where the convention had demanded "a cessation of hostilities with a view to an ultimate convention of the States," he expressed the opinion that "so soon as it is clear, or even probable, that our present adversaries are ready for peace upon the basis of the Union, we should exhaust all the resources of statesmanship . . . consistent with the honor and interests of the country, to secure such peace." He could not endorse the declaration that the war had proved a failure, and look his gallant comrades of the army and navy in the face—to tell them "that we had abandoned that Union for which we have so often perilled our lives." It all would not do. Some votes were saved by this, but the platform and the record of the Vice-President, both meaning a surrender to the secessionists, proved too heavy a load for a Union general.

In the view of a class of theorists with whom Mr. Pendleton was associated in 1861, the Constitution stood in the way of the government making effective resistance to the insurgents; and in 1863, State sovereignty made it impossible to abolish slavery by a constitutional amendment. This state of impotency found its counterpart in the declaration of a hyper-

Calvinist, that God could not save the predestined lost ones, even if he would.[1]

The revolutionary spirit of the convention was further displayed in the unusual proceeding of not adjourning *sine die*. In offering a resolution that the convention should remain organized subject to be called at any time and place by the executive committee, Mr. Wickliffe of Kentucky remarked, that the Western delegates "were of the opinion that circumstances may occur between noon of to-day and the 4th of March next, which will make it proper for the Democracy of the country to meet in convention again." That this had a twofold purpose is obvious. One of the declarations made by the opposition to inflame the passions of the people was, that the administration, having broken down every constitutional safeguard, would employ the army to continue its hold on power if outvoted at the polls. Language used by Secretary Seward in a speech at Auburn, on the 5th of September, was cited in confirmation of this purpose. Mr. Seward, in referring to the demand of the Chicago convention for a cessation of hostilities, commented on the paralyzing effect on the success at the polls of the Democratic party, and asked, "Who could vouch for the safety of the country against the rebels during the interval which must elapse before the new administration can constitutionally come into power?" Quick to detect the influence of the misrepresentations which followed the publication of Mr. Seward's speech, Mr. Lincoln improved the opportunity offered by a serenade to allude to them.

Others regard the fact that the Chicago convention adjourned to meet again, if called to do so by a particular individual, as the intimation of a purpose that if their nominee shall be elected he will at once seize control of the government. I hope the good people will permit themselves to suffer no uneasiness on either point. I am struggling to maintain the government, not to overthrow it. I am struggling especially to prevent others from overthrowing it. I therefore say that if I live I shall remain President until the 4th of

[1] Related by Dr. Lieber, in whose hearing the remark was made. *Life*, p. 348.

next March, and that whoever shall be constitutionally elected in November shall be duly installed as President on the 4th of March, and in the interval I shall do my utmost that whoever is to hold the helm for the next voyage shall start with the best possible chance of saving the ship.

There was no mistaking this language—no chance for an adversary to cavil. The anti-war committal of the Democratic party secured the withdrawal of General Frémont. The people were left the choice of voting to sustain the government and the army and navy in overcoming rebellion by force, or of voting for a cessation of hostilities and the surrender of all that had been accomplished, leaving the future destiny of the country suspended in mid air. There is scarcely a doubt of what their decision would have been even without the incitement of victories won in battle, and indignation aroused by outrages threatened or committed near at home. The activity of the opposition was never greater. In Ohio the State was flooded with petitions in the following form:

A PRAYER FOR PEACE

On the Basis of the Integrity of the Union!

To the President of the United States: We, the women of Ohio, the mothers, wives, daughters and sisters of the soldiers in the field, or who slumber in patriot graves, petition to the President to grant us peace.

We love the Union of the States, but above all we love that sacred and holy union composed of our fathers, husbands, sons and brothers. Many of our homes are desolate—all are obscured in gloom, and our habiliments of woe are stained with fraternal, with conjugal and with filial blood. Oh, then, let our prayer be heard, and do not doom to death the remaining loved ones whose presence saves us from despair! With prayers for our country and peace, we trustingly subscribe our names.

It was during this period that the secret organizations in Ohio, Indiana and Illinois before referred to became most desperate in planning for the release of prisoners of war, for

armed resistance to the government, and for terrifying and harassing the people.

While the brilliant victory of the navy under Admiral Farragut in Mobile Bay and the taking of Atlanta filled the loyal people with joy, there was no abatement of care and vigilance in the conduct of the political canvass on behalf of the Union party. Factional differences were accommodated and unity of effort secured. The President requested and received the resignation of Postmaster-General Blair, which was a concession to the friends of Mr. Chase. But the brilliant victories of Sheridan's army in the Shenandoah valley—the battles of Opequan and Fisher's Hill and Cedar Creek—sealed the fate of the peace party at the polls, and, for reasons beyond his control, rendered it impracticable for General Early to assist in the counting of the ballots in Pennsylvania, as the Richmond newspapers had rashly promised.

First Vermont and Maine in September declared for the government with unmistakable emphasis. Pennsylvania, Ohio, Indiana and Iowa followed in October, with such sweeping majorities as made certain the verdict of November.[1] There was great rejoicing over the re-election of Governor Morton in Indiana, and the defeat in New York of Governor Seymour by Reuben E. Fenton.[2] In both States the people condemned the leaders of the Democratic party who had in time of war made their support of the government conditional. Conditional loyalty is incipient treason.

[1] Ohio was one of the States afflicted with secret semi-treasonable organizations, and, like Indiana, was considered debatable ground. The Union majority for William Henry Smith, for Secretary of State, was 54,751. Rutherford B. Hayes carried the Second Congressional district, which had been disgraced by Alex. Long, by a majority of 3098. Samuel Shellabarger defeated S. S. Cox by a majority of 3169. John A. Bingham was elected in his old district, and General Schenck was re-elected in the Dayton district.

Oliver P. Morton was elected Governor of Indiana over Joseph E. McDonald by the decisive majority of 20,883. McDonald, who was in favor of the prosecution of the war, was hampered by the record of his party.

[2] The majority for Governor Fenton was 8293, which was over 1500 greater than Mr. Lincoln's majority. In Indiana Governor Morton also proved stronger than Mr. Lincoln by several hundred votes. The majority for Governor Carpo

It was Sheridan's campaign in the Shenandoah valley in the autumn of 1864 and his rout of General Early that made certain the re-election of Abraham Lincoln. Great was the rejoicing throughout the North. Sheridan was the hero of the hour, and deservedly so.

What effect had this rush of events upon the South, so unhappily involved in rebellion? There were evidences of a growing desire on the part of the people that the war should be brought to a close and relations re-established with the other States. Absenteeism from the army was an alarming evil. The army was reduced by desertions. The soldiers still in the ranks had lost the zeal they had formerly possessed. The reports of the general officers for the latter part of 1864 show how difficult it was to keep the men at their work, and at what sacrifice of life on the part of the officers. The courage of Mr. Davis seemed to rise as the situation of the insurgent States became more desperate. He did the only thing possible, short of surrender, after the first successes in the valley of the Shenandoah and when Sherman had his grip on Atlanta, and that was to appeal to the people—to their pride—which he hoped would secure the return to the armies of the absentees. If this were done promptly and thoroughly, what might not Lee accomplish in his impregnable position by prolonging the war until Grant's army should melt away? What might not the brave and indefatigable Hood accomplish by destroying Sherman's connections with his base, and by invading the States of the Ohio valley? The Northern States should taste the bitterness of invasion, the loss of property, homes burned, cities destroyed. His agents in Canada were active on the border, and had already shown what they could

in Michigan was 17,063; for Mr. Lincoln 16,917. It was a source of gratification to the country that the old slave States of Maryland and Missouri—slave States no longer—and West Virginia gave handsome majorities for the author of the emancipation proclamation. In 1860 Mr. Lincoln's vote was 39.87 per cent. of the entire popular vote; in 1864 (the seceded States excluded) it was 55.10 per cent. The electoral votes of Delaware, New Jersey and Kentucky, an aggregate of 21 votes, were cast for McClellan. The votes of the other States (excluding Tennessee), aggregating 213 votes, were cast for Lincoln.

do at St. Albans, Vermont. These forays could be multiplied.

The accepted organs of public opinion had already responded to the proposals of the Northern peace party. They declared that whenever a treaty of peace should be made it must be done wholly on the basis of the entire independence and sovereignty of each particular State. They declared that the confederate government had no right to make any peace in which one inch of land belonging to one of the States should be given up, or one iota of its privileges as a sovereign be surrendered.[1] There was notice in this to a growing opposition party, for it was whispered that there were men willing to come to terms with the United States on the basis of the Union.[2] Those who were of the opposition and wished to overthrow the confederate president did not speak of Union as a basis of peace,[3] though that may have been their ulterior purpose. The discontented in North Carolina were bolder. They demanded peace. Governor Vance assured Mr. Davis that the feeling could be quieted only by showing a willingness to negotiate. Mr. Davis hinted that the arrest of Holden, the leader, might do it.

Late in September Mr. Davis started on a trip to South Carolina, Georgia and Alabama. At Macon he told the citizens that the cause was not lost; that Sherman could not keep up his long line of communications and must retreat. "Sooner or later he must, and when that day comes the fate that befell the army of the French Emperor in its retreat from Moscow will be re-enacted." But Sherman's plan was not comprehended in the West Point education of Jefferson Davis, or dreamed of in his experience in the Mexican war.

[1] Richmond *Despatch*, August 31st.

[2] The Charleston *Mercury* said: "Now it is well for our Yankee foes, as well as our government at Richmond to understand, that the constitution of the Confederate States confers no power whatever on their agency at Richmond to put any of them into a convention with any foreign state whatever."

[3] Ex-Justice J. A. Campbell to Justice Curtis. *The Century Magazine*, Oct., 1889.

It was to cut loose from his connections and to live upon the supplies that the country afforded.

At Montgomery he said that there was but one duty for free Southern men. It was to go to the front. He surveyed the history of the first three years of the Confederacy to show what a great work had been accomplished, and concluded his *résumé* with an expression of satisfaction that the great staple of the South had been superseded by grain and produce for the support of the armies in the field. He was aware of the peace sentiment in Alabama, and therefore took notice of it. He spoke eloquently of the horrors of war and the sufferings of the people. He desired peace. He had tried to obtain it and had been rudely repulsed. He should still strive, and by the blessing of God and the strong arms of the soldiers he yet hoped to obtain it. If there were those who hoped to outwit the Yankees, and by smooth words and fair speeches—by the appearance of a willingness to treat for reunion—to effect the election of a certain candidate in the North, they were deceiving themselves. Victory in the field was the surest element of strength to a peace party. "Let us win battles, and we shall have overtures soon enough. Is there a man in the South who is in favor of reconstruction? Reunion means subjugation. All I have to say is that the man who is in favor of this degradation is on the wrong side of the line of battle."[1]

There were many people in favor of reunion, but they wanted it on the basis of the paramount sovereignty of the States. Governor Brown of Georgia, who was not in accord with the Richmond government and who had withdrawn the militia of that State from the army of Hood and permitted them to disperse to their homes, yet held to that theory of Calhoun. His attitude towards the confederate government, which the Northern press zealously applauded, was carrying to its logical conclusion the basic proposition of the Southern contention. When General Sherman, through Mr. King and Mr. Wright, prominent citizens of Georgia, invited Governor Brown to a conference to see if some way could not be found

[1] Montgomery *Mail*.

for Georgia to return to the Union, the Governor affirmed the sovereignty of the State, but very properly replied that the faith of the State was pledged by implication to her Southern sisters, that she would not exercise that power without their consent.[1] There were those who thought further resistance on the part of the South was madness, and who hoped that Governor Brown would take steps to withdraw the State from the rebellion, in pursuance of the policy of "separate State action,"[2] originally proclaimed by the secessionists. Yet the Governor held that the question of future alliance should be determined by the States in their sovereign capacity. This declaration left the Confederacy suspended in mid air. It had been taking such strides toward a centralized government that a new association might be the object of early action. It was largely in debt to Georgia and would not or could not liquidate it. The confederate government prohibited the citizens of Georgia from selling supplies, produced by their own labor and means, to other States willing to pay for them. This made it difficult to provide the militia and the indigent poor with the necessaries of life. Their officers had been driven out of the home market and compelled to go to Alabama to obtain a supply of corn.[3] The discontent was widespread, and doubtless accounts for the fact that the passionate appeals of leaders to the people to rise and destroy the invading army fell unheeded. Sherman's march was so little impeded as to give it the character of a triumphal progress. Slavery perished in the presence of his army, rendering a legislative act of emancipation to define the status of the negroes accompanying or following him supererogatory.

As the confederate armies were depleted, the Richmond government largely disregarded the rule regulating exemptions and made virtually the whole population subject to military

[1] The correspondence was published at the time in the *Confederate Union* of Milledgeville. Reprinted by the Cincinnati *Commercial*, October 11th. Compare *Stephens*, vol. ii.

[2] *Sherman*, vol. ii., p. 138.

[3] Message of Governor Brown to the Georgia Legislature, November, 1864.

duty. There sprang up about this time a discussion over a proposition made by the Richmond *Enquirer* to conscript the slaves for the purpose of making soldiers of them. It was suggested as a resource to which dire necessity might drive the government. Two considerations were involved in it. There was the moral influence which the conscription of a quarter of million slaves to fight for their own freedom and the independence of their masters would have upon the North and the world at large. And there was the physical influence of such an augmentation of the fighting force upon the army, the people, the cause and the enemy.[1] Naturally such a radical measure created great excitement, and invited heated opposition. If there were masters who would prefer to offer up half or two-thirds of their slaves upon the altar of their country rather than that the law exempting them from military service should be repealed, there were others who resisted such an in-

[1] Richmond *Enquirer*, Nov. 11th. The proposition first appeared in the *Enquirer*, Oct. 18th. It originated with Major-General Cleburne, the most popular division commander in Johnston's army. While at Dalton, early in January, 1864, General Cleburne prepared a memorial to the Confederate Congress praying that it would emancipate the slaves and enroll the young and able-bodied in the army. He urged that such a course would relieve the Southern people of a yearly tax, an unproductive consumption, because the slave consumed more than his profits, thus distinguishing the profit of the negro from the profit of cotton; it would animate the undying gratitude of that race; it would create in the negro a greater self-respect and ambition; with gratitude and ambition the service of the soldier would be both reliable and valuable; the moral effect throughout the world, but especially in Europe, would be generally strengthening and beneficial to the South; the result would be the signal for immediate European recognition, and, indeed, action. Germany and Italy would have been disarmed of their prejudice. Napoleon would have instantly been encouraged to become a La Fayette, and Great Britain would not have been afraid to back him in Parliamentary declaration, no matter how the working classes would have felt; it would raise the blockade and give the South provisions and clothing.

The memorial was read in a meeting of the general officers of Johnston's army by General Hardee, and received with violent opposition. Great care was taken to prevent any knowledge of this from getting to the rank and file. General Cleburne was ostracized by many of his fellow officers. Mr. Davis and his Secretary of War were glad that General Johnston and others did not give the scheme their countenance. Many interesting papers bearing on this incident have been discovered by General Henry V. Boynton and printed in the Cincinnati *Commercial Gazette*.

vasion of property rights. There were others again who held that there was a great principle of morality involved in forcing the negro to risk his life for the freedom of his master! There were others again who objected to this levelling measure—the destruction of class distinctions placing the negro on an equality with the white man! Was it for this they would seek the aid of the slaves? To establish in the midst of the white population a quarter of a million of black freemen familiar with the art and discipline of war, and with large military experience? "Virginius" asked, What then would be the condition of their wives, children and parents?[1] "Will the freeman fight to conquer for us when if successful he makes more secure the bonds of those he loves at home?" Ah, indeed! It were time to pause.

Mr. Davis in his annual message took notice of the proposition. He did not approve of the policy of making a general levy and arming the slaves for the duty of soldiers. Should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there was no doubt of what the decision would be. Meanwhile he recommended the employment and disciplining of forty thousand negroes for subordinate military service. Viewed merely as property, the slave was the subject of impressment. But he held another relation to the State, that of a person. Employed as a person in the military service, intelligence, loyalty and zeal were demanded. It seemed proper, therefore, for the government to acquire the ownership of the persons thus to be employed. Emancipation should be held out as a reward for faithful service, as being preferable to immediate manumission. The permission of the State, from which he was drawn, to reside within its limits after the close of his public service, would need to be obtained.

The Richmond *Whig*[2] was merciless in exposing the inconsistency of Mr. Davis's recommendation in view of all that he and others of his school had urged in behalf of slavery. The

[1] Communication to *Enquirer*, Nov. 11th.

[2] November 9th.

first proposition deducible from his message was, that the condition of freedom was so much better than that of servitude that it might be bestowed as a reward. This was a repudiation of the opinion held by the whole South, that servitude was the divinely appointed condition for the highest good of slaves, and was that condition in which negroes might attain the highest moral and intellectual advancement of which they were capable, and might enjoy most largely of such comforts and blessings of life as were suited to them. This being the attitude of the South in the moral controversy with the Abolitionists—this being the belief of the South, the proposition cruelly deprived the slave of the care and guardianship of the master. "If the slave must fight," added the *Whig*, "he should fight for the blessings he enjoys as a slave and not for the miseries that attend him if freed." This conclusion was logically and morally justified by the attitude the South had assumed before the world.

The second proposition deducible from the message was still more startling, as it was a concession that the confederate government had the power and right to exterminate slavery by the simple process of impressing or purchasing all slaves, and then emancipating them. Mr. Lincoln had never gone so far as that, for in his plan of compensated emancipation he expressly referred the question to the States, acknowledging that they only could determine it. "We give up the whole question," said the *Despatch*,[1] " when we adopt this measure." But the question would not down. It brought Lee and other generals within the influence of the controversy. It sharply divided the public men and consumed the time of the legislature. When, finally, the measure received legal sanction it was too late to stay the power of the Union army.

Another source of disquiet to Mr. Davis was the failure of foreign governments to recognize the independence of the Confederacy. The disregard of this just, humane, and Christian public duty by the nations of Europe was the more remarkable, he said, from the fact that authentic expression had

[1] November 13th.

early been given by the governments of France and England to the conviction that the United States were unable to conquer the Confederacy. When the history of this war shall be fully disclosed, added Mr. Davis, "the calm judgment of the impartial publicist will be unable to absolve the neutral nations of Europe from a share in the moral responsibility for the myriads of human lives that have been unnecessarily sacrificed during its progress." This is undoubtedly true, but for reasons very different from those given by Mr. Davis. A criticism one meets with in the published recollections of some of Mr. Davis's associates is that Mr. Davis founded his hope of ultimate success almost entirely upon the expectation that England and France would recognize the Confederacy. He adhered tenaciously to this and spent the lives and substance of the people to justify it.

If constantly lessening resources, lessening confidence of foreign governments in the ability of the Confederacy to win independence, the depletion of regiments by disastrous battles and desertions, and divided counsels, filled with gloom the homes of the South, the North presented a far different scene. Here confidence had taken the place of despondency. The busy hum of workshops and manufactories had a note of joy in its music once more. The draft no longer had any terrors. Regiments were quickly filled to their maximum. Communities never seemed more prosperous. Far to the westward new homes were being created, thus adding to the strength and wealth of the United States. President Lincoln remarked with satisfaction in his annual message of the 6th of December, that in the year and a quarter ending September 30th 1,538,614 acres of land were entered under the homestead law, and that the recepits from sales during the fiscal year were about four times greater than during the previous year. The more adventurous had turned their quest to the Sierra Nevada and Rocky Mountains, and numerous gold, silver and cinnabar mines had been added to the many already in operation. It was estimated that the product of the mines in that region during the year equalled $100,000,000 in value. The work of

connecting the Atlantic with the Pacific by railways and telegraph lines had been entered upon with a vigor that gave assurance of success. An association of American citizens had undertaken to construct a telegraph line between America and Europe by the way of Bering Strait and Asiatic Russia. The enterprise was being conducted with the cordial goodwill of Great Britain and Russia, while several of the South American States had sent assurances of their appreciation, and their readiness to coöperate in constructing lines tributary to that world-encircling communication. Meantime an early completion of the submarine telegraph cable line between the coasts of America and Great Britain was promised. Thus it was hoped that with the return of domestic peace the country would be able to resume with energy and advantage her former high career of commerce and civilization.

The end of the war was believed to be near. There seemed to be absolutely no hope for success on the part of the insurgent States. Even if a levy *en masse* of the seven hundred thousand slaves capable of rendering military service were made, where would be obtained the arms and munitions to equip them? The supply was being rapidly exhausted, and soon it would be difficult to obtain iron to cast balls for the use of the artillery. Could supplies be procured from abroad? The navy and army of the United States coöperating were about to close the only avenue connecting the Confederate States with the outer world, by which blockade runners reached Wilmington. Mobile was already lost to them, and Mr. Lincoln, by opening the ports of Norfolk, Fernandina and Pensacola to commerce again, invited foreign merchants to abandon a contraband trade which was daily becoming more and more hazardous. Desperate as these conditions were in themselves, there was no money resource available for their improvement. The currency afloat was the most striking evidence of the hopelessness of the cause. All this was understood by the able men who directed the affairs of the Confederate States, and yet not one of them had the moral courage

to deal with the situation in a statesmanlike manner to stay the further sacrifice of life.

Mr. Lincoln kept a way open for them. All of his utterances after his re-election were conciliatory. His spirit was that of one who communed with the Most High. He pronounced no harsh judgments. He devised no methods of punishment for individuals; he would save all, if possible, from humiliation even. In his message he appealed to the judgment of the insurgents. He showed by indisputable statistics that there were more men in the loyal States than when the war began; and that the national resources were more abundant than ever, and were believed to be inexhaustible. If their leader would not re-accept the Union they could. He added:

> They can at any moment have peace simply by laying down their arms and submitting to the national authority under the Constitution. After so much the government could not, if it would, maintain war against them. The loyal people would not sustain or allow it. If questions should remain we would adjust them by the peaceful means of legislation, conference, courts and votes, operating only in constitutional and lawful channels. Some certain and other possible questions are and would be beyond the executive power to adjust; as, for instance, the admission of members into Congress, and whatever might require the appropriation of money. The executive power itself would be greatly diminished by the cessation of actual war; pardons and remissions of forfeitures, however, would still be within executive control. In what spirit and temper this control would be exercised can be fairly judged of by the past.
>
> A year ago general pardon and amnesty, upon specified terms, were offered to all except certain designated classes, and it was at the same time made known that the excepted classes were still within contemplation of special clemency. During the year many availed themselves of the general provision, and many more would, only that the signs of bad faith in some led to such precautionary measures as rendered the practical process less easy and certain. During the same time, also, special pardons have been granted to individuals of the excepted classes and no voluntary application

has been denied. Thus practically the door has been for a full year open to all except such as were not in condition to make free choice; that is, such as were in custody or under restraint. It is still so open to all. But the time may come, probably will come, when public duty shall demand that it be closed and that in lieu more rigorous measures than heretofore shall be adopted.

But the President did not fail in his duty to the poor who had been in bonds. He announced his inflexible adherence to the policy of emancipation, which was the true policy of peace, containing within itself the power to set free those who were in bonds to the prejudices of centuries as well as those who "owed service and labor" under the law of force. He continued:

In presenting the abandonment of armed resistance to the national authority on the part of the insurgents as the only indispensable condition to ending the war on the part of the government, I retract nothing heretofore said as to slavery. I repeat the declaration made a year ago, that "while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by the terms of that proclamation or by any of the acts of Congress." If the people should, by whatever mode or means, make it my executive duty to re-enslave such persons, another, and not I, must be their instrument to perform it. In stating a single condition of peace I mean simply to say that the war will cease on the part of the government whenever it shall have ceased on the part of those who began it.

Mr. Lincoln made no allusion to the vexed subject of reconstruction. He saw the unwisdom of continuing a controversy so full of peril to the common cause. In a speech he made at a late hour on the night of the election he said in all sincerity:

I am thankful to God for this approval of the people. But, while deeply grateful for this mark of their confidence in me, if I know my heart, my gratitude is free from any taint of personal triumph. I do not impugn the motives of any one opposed to me. It is no pleasure to me to triumph over any one, but I give thanks

to the Almighty for this evidence of the people's resolution to stand by free government and the rights of humanity.

On another occasion he remarked that he had not willingly planted a thorn in any man's bosom. In this spirit he moved forward, the best type of man, as one whose soul is weighted with the suffering, the grief and the weakness of humanity, Christlike.

Great events were crowded into the month of December, the greatest of which was the complete overthrow of Hood's army by Thomas in Tennessee.

On Christmas morning also the newspapers printed, and their patrons read with great satisfaction, a message from General Sherman, dated at Savannah, December 22d, to the President, saying: "I beg to present to you as a Christmas gift the city of Savannah with one hundred and fifty heavy guns and plenty of ammunition, and twenty-five thousand bales of cotton." Which suggested to the bright journalist of the day this *jeu d'esprit* to enliven Mr. Davis's Christmas dinner: "General Thomas's Christmas present to the 'wayward sisters'—A worsted Hood."

The city of Savannah was captured on the morning of the 21st. General Hardee, anticipating the contemplated assault, destroyed his ironclads, burned the navy yard, and then quietly withdrew his army of fifteen thousand men by the road leading to Charleston. General Hazen's division of the Fifteenth Corps had captured Fort McAllister, commanding the entrance of the Ogeechee River, on the 13th, and most of the obstructions to communication with the sea were removed when Hardee withdrew from the city. General Foster entered the harbor with his steamers and supplies on the 22d. The twenty thousand citizens were quiet and well-disposed, but many of them were so destitute as to require immediate relief from the army stores. The citizens of New York, ever generous givers in times of suffering or disaster, sent large amounts of supplies to Savannah, which act of benevolence was calculated to open the door to reconciliation. At a reconstruction

meeting held in Savannah on the 28th, the Mayor presiding, Governor Brown was requested to call a State convention to repeal the secession ordinance. Resolutions in favor of the restoration of the Union and complimentary to the President were greeted with cheers.

The season of rejoicing did not end with Christmas. The final passage of the constitutional amendment prohibiting slavery, the continued triumph of the national arms on every field and evidences of an early collapse of the Confederacy made the celebration of Washington's birthday, 1865, an occasion of remarkable significance. The capture of Fort Fisher on the 15th of January by the land forces commanded by General Terry and a fleet under Rear Admiral Porter was one of the greatest disasters suffered by the confederate government from the beginning of the war. Forts Fisher and Caswell guarded the entrance to the Cape Fear River and prevented the complete blockade of the port of Wilmington, through which communication was had with the outside world. Cotton was shipped abroad and sold to obtain gold to fit out privateers to prey upon the commerce of the United States, to obtain arms and other supplies necessary to the existence of the government at Richmond. The closing of this port shut out all external trade. The Twenty-third Corps was quickly transferred from Nashville to North Carolina and the direction of operations intrusted to General Schofield. With his Western soldiers and the troops under Terry he swept everything before him, and early on the 22d of February entered the city of Wilmington. From Newbern as a base Goldsboro' was attacked and taken to prepare for the coming of General Sherman. A junction of the armies of Schofield, Terry and Sherman was effected in and about Goldsboro' on the 22d and 23d of March. Sherman had moved through South Carolina with greater celerity than through Georgia, capturing Columbia, which caused the evacuation of Charleston, destroying such railroads as were available for the movements of the confederates, and dissolving all the bonds of slavery. Four days later the President announced in a general order that at the hour

of noon, on the 14th day of April, 1865, General Robert Anderson would raise and plant upon the ruins of Fort Sumter, in Charleston harbor, the same United States flag which was fired upon by the insurgents under Beauregard on the 14th day of April, 1861; and that the flag when raised would be saluted by one hundred guns from Fort Sumter, and by a national salute from every fort and rebel battery that fired upon Fort Sumter; and that the ceremonies, which included the delivery of a public address by the Rev. Henry Ward Beecher, would be under the direction of General Sherman, or, in his absence, under the charge of General Q. A. Gillmore. This programme of poetic justice fired the public imagination.

In the closing days of 1864, Francis P. Blair, surviving heir to the glory of the administration of Andrew Jackson, still spared to his country by an inscrutable Providence, felt that his mission was to bring about an understanding between President Lincoln and President Davis, looking to a permanent peace. Armed with a pass from Mr. Lincoln he made his way to Richmond and was pleasantly received by the head of the confederate government.[1] When the mysterious movement of Mr. Blair became the subject of newspaper speculation popular disapproval was so unmistakable that it was deemed advisable to give to the press a despatch disclaiming on behalf of the President any responsibility for the self-appointed ambassador. Yet the New York *Tribune* declared that he was authorized to ascertain if peace was attainable, and the hope was expressed that his efforts would produce a clear understanding at the South of the grounds of difference of the contending parties. The *Times* said that no good could

[1] Judge J. A. Campbell, then in Richmond, addressed a letter to Judge Nelson of the Supreme Court, in December, inviting an interview with him, and asking that Messrs. Ewing, Stanton or Curtis might come to that city, to discuss the issues of the war, the questions of union, slavery, confiscation, pains and penalties, etc. He hoped that through these intelligent and sober-minded men the embarrassments and perils of the condition could be mitigated and peace secured. He did not receive any reply to his letter. "In lieu of this there came Francis P. Blair." Letter to Judge Curtis, 20th July, 1865. *The Century*, Oct., 1889, p. 951.

come of the mission; while the *Evening Post* called it a fool's errand.[1]

The game of politics had for the elder Blair the fascination that the game of war had for Napoleon, or that *roulette* has for the frequenters of Monte Carlo. As an expert manager of men, he had the gift of persuasion, as well as that skill in making combinations whereby each party to the deal gets something, which so delights the heart of your practical politician. None knew better how to play to win and hold the public attention, or how far it was safe to go in the advocacy of reform where the purpose fell short of its accomplishment. Hence he was an authority in the construction of party platforms before election, and in the inner councils after victory was won. It is doubtful if in his long career, from the day he turned his back on Henry Clay to the second nomination of Mr. Lincoln, he ever conceived a game of politics that promised to provide the world with such lively entertainment as the one he invited Jefferson Davis to take a hand in. In former days when slavery agitation threatened the disintegration of parties, it was a favorite plan to surmount immediate danger by declaring in favor of the acquisition of foreign territory. So now this representative of the old school proposed to save from humiliation the proud people of the South and to prepare the way for a reunion of the sections by a vigorous assertion of the Monroe Doctrine under the lead of the President of the confederate government. With skilful hand Mr. Blair drew a picture of republican States being brought under subjection to a monarchy through intestine hostilities, as in the case of Mexico; or through an appeal for succor to European potentates, as was even then proposed by some in the South. American republican States, whose freedom had been won by valor from George III., after almost a century of prosperity and renown, once again dependencies of a monarchy! This was the issue. We could bring to a close our own unhappy differences, slavery being abandoned, and permanently establish popular government throughout the boundaries of

[1] Comments of January 10th.

America. Becoming animated by his theme Mr. Blair exclaimed:

Jefferson Davis is the fortunate man who now holds the commanding position to encounter this formidable scheme of conquest, and whose fiat can at the same time deliver his country from the bloody agony now covering it in mourning. He can drive Maximilian from his American throne and baffle the designs of Napoleon to subject our Southern people to the "Latin race." With a breath he can blow away all pretense for proscription, conscription, or confiscation in the Southern States, restore their fields to luxuriant cultivation, their ports to the commerce of the world, their constitutions and their rights under them as essentially a part of the Constitution of the United States to that strong guaranty under which they flourished for nearly a century not only as equals, but down to the hour of conflict, the prevalent power on the continent.[1]

The old Viking spirit of conquest asserted itself in the warmth of patriotic feeling which found expression in the phrase—American destiny. He who expelled the Bonaparte-Hapsburg dynasty from our Southern flank would ally his name with those of Washington and Jackson.

If in delivering Mexico he should model its states in form and principle to adapt them to our Union and add a new Southern constellation to its benignant sky while rounding off our possession on the continent at the Isthmus, and opening the way to blending the waters of the Atlantic and Pacific, thus embracing our Republic in the arms of the ocean, he would complete the work of Jefferson who first set one foot of our colossal government on the Pacific by a stride from the Gulf of Mexico.

The prospect was dazzling, and we are assured that Mr. Davis was pleased with it. It opened a way of escape. The situation of the South was desperate.

How to take the first step—the lives and property and government of the Southern people were to be considered. It was suggested that amnesty could be extended to all; that

[1] Quoted in Nicolay and Hay, *Life of Lincoln*, vol. x., p. 99.

hostilities could be suspended under some sort of secret understanding or collusive contract, and Mr. Davis enabled to transfer a part of his army to the Rio Grande, where, joined by Northern troops, an agreement could be made with Juarez for the invasion of Mexico; and that after the work was accomplished there, our own affairs could be adjusted. The fraternization of the soldiers and the people would remove animosities and Peace would once more spread her wings over the Republic. The result of Mr. Blair's mission was the appointment of confederate commissioners to proceed to Washington to confer with Mr. Lincoln. The conference was held in Hampton Roads on the 3d of February. The commissioners were Alexander H. Stephens, R. M. T. Hunter and J. A. Campbell. Mr. Seward was present with Mr. Lincoln. Mr. Stephens preserved a good account of this most interesting conference, which lasted four hours.[1] Speaking on behalf of the commissioners, he asked the President if there was no way of putting an end to the present trouble and bringing about a restoration of the general good feeling and harmony formerly existing between the different States and sections of the country. Mr. Lincoln replied that he knew of but one way, and that was for those who were resisting the laws of the Union to cease that resistance. But, said Mr. Stephens, was there no continental question which might divert the attention of both parties for a time, until the passions might cool? The allusion was understood by Mr. Lincoln, who immediately disclaimed all responsibility for Mr. Blair's scheme. He was always willing to hear propositions for peace on three conditions which he considered indispensable: 1. The restoration of the national authority throughout all the States. 2. No receding from the position of the national executive on the subject of slavery. 3. No cessation of hostilities short of an end of the war and the disbanding of forces hostile to the government. Although Mr. Stephens, returning to the original proposition, earnestly urged the postponement of a settlement and the adoption of some extrinsic policy to engage the atten-

[1] *Constitutional View of the War*, vol. ii., p. 599, *et seq.*

tion of the people for a season, Mr. Lincoln insisted that the settlement of all difficulties was then a question of supreme importance, and the only basis on which he would entertain a proposition for a settlement was the recognition and re-establishment of the national authority throughout the land.

This emphatic declaration put an end to the conference proper, as the commissioners had no authority to go beyond the scheme emanating from the fertile brain of Mr. Blair. Judge Campbell inquired in what way the settlement for a restoration of the Union was to be made. It was not sufficient to reply, "Disband your army and permit the national authority to resume its sway." The war had necessarily given rise to questions which required an agreement of some sort, before a harmonious restoration of former relations could properly be made. Under the confiscation acts on both sides property had been sold, and the title would be affected by the facts existing when the war ended, unless provided for by stipulation. Again certain classes in the South had incurred "pains and penalties" under the laws of the United States. To what extent would these laws be enforced? What position would the Confederate States occupy towards the other States? Would they be admitted to representation in Congress?

Mr. Lincoln believed they ought to be; he thought they would be; but he could not enter into any stipulation upon the subject. His own opinion was that when resistance ceased and the national authority was recognized, *the States would be immediately restored to their practical relations to the Union.* It is worth our while to note this reply as bearing on Mr. Lincoln's views of reconstruction. But he let it be understood that he could not enter into any agreement upon this subject, or upon any other matters of that sort, with parties in arms against the government. He had placed emphasis on this condition when Mr. Davis insisted that his rank as commander or President should first be recognized before proceeding to the consideration of terms of peace. Mr. Lincoln declared that the only ground upon which he could rest the justice of the war was, that it was not a war for conquest, but that the States

never had been separated from the Union. Consequently he could not recognize another government inside the one of which he alone was President, nor admit the separate independence of States that were yet a part of the Union. "That," said he to the commissioners, "would be doing what you so long asked Europe to do in vain, and be resigning the only thing the armies of the Union are fighting for."[1] Mr. Hunter argued the propriety of the executive entering into agreements with persons in arms against the acknowledged rightful authority, and cited as a precedent the correspondence between Charles I. and the English people in arms against him.

This was just such an opening in the argument as most delighted Mr. Lincoln's heart. His face, said Mr. Stephens, wore that indescribable expression which generally preceded his hardest hits, as he remarked: "Upon questions of history I must refer you to Seward, for he is posted in such things, and I don't profess to be. All that I distinctly recollect about the case of Charles I. is that he lost his head in the end."

Mr. Lincoln remarked that he would not have touched the institution of slavery if he had not been driven to it by public necessity. He did not think the government possessed power over it in the States, except as a war measure. He had always been in favor of emancipation, but not immediate emancipation, even by the States. Many evils attending this appeared to him. He advised Mr. Stephens to return to Georgia, to induce the Governor to call the Legislature together, and get it to recall all the State troops from the war, to elect Senators and Representatives to Congress, and to ratify the constitutional amendment abolishing slavery *prospectively*, so as to take effect—say in five years. He had looked into the subject, and believed such a prospective ratification would be valid. So far as the confiscation act and other penal acts were concerned, he should exercise the power of the executive with the utmost liberality. And he reiterated what he had said on a former occasion, that the North was responsible for slavery equally with the South, and if the war should then cease, with

[1] Account in the Augusta *Chronicle* written from the dictation of Mr. Stephens.

the voluntary abolition of slavery by the States, he should be in favor of the government paying a fair indemnity for the loss to the owners.

On the return of the commissioners to Richmond, Mr. Stephens says everybody was very much disappointed, and no one seemed to be more so than Mr. Davis. On the 6th of February he transmitted to the confederate Congress the report of the commissioners, accompanied by a brief message, in which the situation was described in ten lines. Mr. Davis's position was, that inasmuch as it was settled that there could be no peace short of "unconstitutional" submission on the part of the people of the Confederate States, with an entire change of their social system, the people ought to be more thoroughly aroused by appeals through the press and by public addresses to the full consciousness of the necessity of renewed and more desperate efforts for the preservation of themselves and their institutions.[1] The appeals and addresses were immediately forthcoming. Mr. Davis himself, the day after sending his message to Congress, appeared before an audience in the African church, and made a speech remarkable for eloquence and power, bold, undaunted and confident in tone, which was likened by his admirers to the classic appeals of Rienzi and Demosthenes.[2]

Mr. Hunter spoke at the same meeting and was guilty of a gross misrepresentation of the language used by Mr. Lincoln in the conference, and of the spirit shown by him. He said they had been informed by the President of the United States that there could be no peace except upon the conditions of laying down their arms and absolute submission, "to come in as rebels, and submit to laws confiscating our property, and awarding the death penalty to our citizens. Nor is this all. We are required to submit to an amendment to the United States Constitution, to turn loose the thousands of slaves in our midst without restraint and without the education which they would require for self-preservation." Under this system the negro race must perish. "Oh, Philanthropy! how much

[1] *Constitutional View*, vol. ii., p. 622.

[2] *Ibid.*, p. 624.

misery is caused in thy name!" To draw a picture of subjugation, Mr. Hunter declared would require a pencil dipped in blood to paint its gloom![1]

The confederate Congress, before adjourning, issued an address to the people of the South who were called on to rush to arms. They were assured that they would be kept in subjugation by the stern hand of military power as Venetia and Lombardy had been held by Austria, or as Poland was held by the Czar; that their property would be confiscated and distributed among their African bondmen; and that

> our enemies with a boastful insolence unparalleled in the history of modern civilization have threatened not only our subjugation, but some of them have announced their determination, if successful in this struggle, to deport our entire white population, and supplant it with a new population, drawn from their own territory and European countries!

The address concluded as follows:

> Every motive of honor and of self-interest, of patriotism and of domestic affection, every sentiment of manhood and self-respect, unite in nerving us to resist, to the last extremity, our cruel invaders. Success gives us a country and a proud position among the nations of the earth. Failure makes us the vassals of an arrogant people, secretly if not openly hated by the most enlightened and elevated portions of mankind. Success records us forever in letters of light upon one of the most glorious pages of history. Failure will compel us to drink the cup of humiliation even to the bitter dregs of having the history of our struggle written by New England historians! Success is within our reach.[2]

Was this extraordinary document designed to deceive the Southern people, to fill their hearts with hatred towards their kith and kin of the loyal States, and thus render restoration of union difficult, not to say impossible? Or was it a proud defiance hurled at a foe? The men who signed it were called on to consider in secret session a statement of the condition of

[1] Richmond papers.

[2] *Annual Cyclopædia*, 1865.

the confederate government which showed that it was reduced to extremity. There were no resources for another campaign. Finances, recruiting of soldiers, commissariat, transportation, ordnance and ammunition and medical supplies had all failed. The Secretary of the Treasury had not dared to report the true condition of the finances. He had not the means to liquidate the public debt, and no tax levy would produce the means to liquidate it, as taxes were difficult of collection for the payment of ordinary expenses; bonds and certificates of deposit were not salable. The supply of specie was $750,000, and the port of Wilmington was sealed to a contraband trade which might have increased the supply. The estimates of the year for the War Department were $1,337,000,000 in confederate bills.[1] But the army was fast decreasing by desertions, and no appeals, or threatened punishment, could check them. Meanwhile Grant held Richmond and Petersburg by a firm grip, Sherman was confronting Johnston, and Thomas, Canby, Banks and Wilson were prepared to sweep everything before them in the Southwest.

During the closing session of the Thirty-eighth Congress various phases of reconstruction were under consideration. A joint resolution was adopted declaring that certain States (including Louisiana, Arkansas and Tennessee), being in a state of armed rebellion on the 8th day of November, were not entitled to representation in the electoral college. The discussion of the resolution in the Senate developed a radical difference of opinion as to the status of the insurgent States—whether they were in the Union, or out of the Union, and by act of rebellion debarred from all the privileges as States. Mr. Cowan of Pennsylvania, and Mr. Ten Eyck of New Jersey, sustained the view of the President as carried out by not less than one tenth of the citizens of Louisiana and Arkansas in setting up State governments after taking the oath of fealty and accepting the proclamation of the President relating to slavery. They declared that these people ought to be encouraged in their loyalty and not repulsed. "I want to know,"

[1] Letter of Judge Campbell.

interposed Senator Wade, "what protection that one tenth will have when you withdraw all external power from them and leave them to themselves?"

> That is the very question [Mr. Cowan replied] that we must meet. It is the question now whether we will maintain State governments there in connection with the Union, or whether we will treat these people as a conquered people, as conquered provinces; whether we will assume the task of governing them entirely, or whether we will do that which the President is endeavoring to do now. . . . I have no doubt that the one tenth of the people of a State organized with the reins of State government in their hands, the means of enforcing its authority, aided by the general government, will finally bring back all these States to obedience.

Mr. Collamer of Vermont called attention to the fact that the act of July 13, 1861, and the President's proclamation thereunder declaring a state of war were still in force, which gave rise to the question: Suppose the rebellion to be entirely suppressed, was it necessary then, in order to restore the States to their rights in the Union, that Congress should enact a law that it was suppressed? Mr. Johnson of Maryland held that the States were not out in one sense, but he was not prepared to say that if all the inhabitants of the insurgent States were immediately to throw down their arms, admit their allegiance to the United States, and elect members to Congress such members would be entitled to their seats. He reserved the question for future examination.

On notifying Congress that he had signed the resolution, Mr. Lincoln said that he disclaimed all right of the executive to interfere in any way in the matter of canvassing or counting electoral votes; and also disclaimed that, by signing the resolution, he had expressed any judgment of his own upon the subject of the resolution.

Before adjourning, Congress passed an act to establish a Bureau for the Relief of Freedmen. Its object was to give protection to the freedmen of the South, and to white refugees that had been driven from their homes on account of

their loyalty to the Union. Emancipation subjected many to suffering and privation, as it had deprived them of the protection and support of their former masters. The act established the bureau in the War Department, to continue a year after the war should close, and to it was given the supervision and management of all abandoned lands and the control of all subjects relating to freedmen and refugees, under such regulations as might be prescribed by the commissioner at the head of the bureau and by the President. The Secretary of War was authorized to "direct such issues of provisions, clothing and fuel as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, and their wives and children, under such rules and regulations as he may direct." To every male citizen a leasehold not to exceed forty acres might be granted for a term of three years, at a rental not to exceed six per cent. upon the appraised value, with the right of purchase, title passing from the United States. A similar scheme was devised by General Sherman when at Savannah, which received the approval of Secretary Stanton, known as "Special Field Order No. 15."[1] It reserved the islands from Charleston south, the abandoned rice fields along the rivers for thirty miles back from the sea and the country bordering the St. John's River, Florida, for the settlement of the freedmen. The law proving inadequate, it was amended in 1866 so as to give to the commissioner power to quiet land titles, and to coöperate with benevolent associations in educating the freedmen. It provided also that freedmen should be protected in all the immunities and rights which belonged to the whites, and it required the President, through the officers of the bureau, to extend military protection and to have military jurisdiction over all cases concerning the free enjoyment of such immunities and rights. President Johnson vetoed the bill, but it was passed over the veto.

The President had at heart the recognition by Congress of

[1] Dated Jan. 16, 1865. See *Memoirs*, pp. 244–253, for interesting information on the condition of the freedmen.

the governments of Louisiana and Arkansas set up under his plan of reconstruction. Senator Trumbull came to his relief, and, to the surprise of his fellow Senators, reported from the Committee on the Judiciary a resolution to recognize the government of the State of Louisiana "as the legitimate government of said State, entitled to the guaranty and all other rights of a State government under the Constitution of the United States." When it came up for consideration, February 23d, Mr. Sumner began a systematic opposition to the measure, in which he was assisted by Howard, Wade and other radicals. His position was that the insurgent States should not be restored to all of the rights of States in the Union except on the footing of the Declaration of Independence, "with all persons equal before the law, and government founded on the consent of the governed. In other words, there shall be no discrimination on account of color. If all whites vote, then must all blacks; but there shall be no limitation of suffrage for one more than the other." [1] About the same time his friend, Salmon P. Chase, the new Chief Justice, expressed more clearly the political motive impelling the movement for universal suffrage.

> Shall the loyal blacks of rebel States [he asked] be permitted to protect themselves and protect white loyalists also by their votes from new oppressions by amnestied but still vindictive rebels? I cannot doubt what a just and magnanimous people will determine. They will say, "Let ballots go with bullets; let freedom be defended by suffrage," and again legislation and administration will bow to the majesty of the people.[2]

The factious opposition of eight Senators sufficed to defeat the Louisiana resolution, to Mr. Lincoln's great regret. It also engendered a feeling of bitterness in the Senate which impaired the strength and usefulness of the majority.

The Washington of 1865 had the character of the Southern

[1] Letter to John Bright, March 13th. Pierce's *Sumner*, vol. iv., p. 229.

[2] Remarks before the Freedmen's Association of Washington. Cincinnati *Gazette*, March 7th.

type of city, with this difference, that its imposing public buildings only served by contrast to heighten the hideous ugliness of the rows of one-story shops lining the thoroughfares and the incongruity of unpaved streets. The day for the second inauguration of Abraham Lincoln was ushered in with rain, but before the hour appointed the mass of clouds disappeared, leaving a few fleecy clouds flitting over the sky to deepen the ethereal blue and make more resplendent the sunlight of a spring day,—the morning emblematic of Mr. Lincoln's four stormy years; the afternoon, of the peace and glory before him. The inaugural address was unlike any that preceded it—brief, expressing patriotic sentiments, and in the depth of its religious feeling reminding one of a Psalm of David. The philosopher Lincoln could not but reflect on the course of a Christian people torn into factions and plunged into the abyss of civil war, invoking the aid of the same Divine power. "It may seem strange," he said, "that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces," but added in the spirit of true charity—"but let us judge not, that we be not judged." The slaveholders of the South were not the only class engaged in wringing their bread from the sweat of other men's faces. "The prayers of both could not be answered. That of neither has been answered fully." But hear what Whittier, humanity's favorite poet, had sung a month before, after the signature of the President had been affixed to the Thirteenth Amendment:[1]

Did we dare,
In our agony of prayer,
Ask for more than He has done?
When was ever His right hand
Over any time or land
Stretched as now beneath the sun?

Mr. Lincoln concluded with these sublime and immortal words:

The Almighty has His own purposes. "Woe unto the world

[1] *Laus Deo* was printed in the *Independent*, Feb. 9th.

because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!" If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern therein any departure from those Divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

And the song of the poet is heard again:

> Blotted out!
> All within and all about
> Shall a fresher life begin;
> Freer breathe the universe
> As it rolls its heavy curse
> On the dead and buried sin!

The thousands who had stood in the mud in front of the east end of the Capitol to witness the impressive scene of the inauguration, when it was concluded, separated silently, pondering the solemn words of the President, which had for them in a few weeks a deeper, a more sacred meaning.

Meanwhile Grant's combinations for crushing the Confederacy in arms had been completed. In Alabama and Georgia the great cavalry force organized by General Thomas was ad-

vancing successfully under the immediate command of General Wilson. In east Tennessee, North Carolina and Virginia General Stoneman was conducting a series of operations that would render Lee's escape by Lynchburg impossible. Sherman held Johnston. Sheridan still commanded in the Shenandoah valley, but was prepared to take part in the more active work about Richmond when Grant should say the word.

General Sheridan's march from Winchester to the front of Petersburg, which began on the 27th of February and was completed on the 28th of March, was made in almost incessant rain, through deep and almost impassable streams, swamps and mud. Sheridan was completely successful. The James River canal was disabled beyond immediate repair, and the railroad communication west of Richmond was cut off, thus reducing General Lee to dependence on the two railroads running southwest. And he was to be immediately deprived of these. Sheridan, now in command of the extreme left of Grant's army, destroyed the Southside railroad April 1st, gaining a great victory at Five Forks and holding his position, which was of the first importance in Grant's plan for enveloping Lee. Early the next day, Sunday, a general advance is made, and is successful everywhere. The national force meets stubborn resistance, but it prevails, in each movement gaining an advantage. Can the enemy escape? The possibility is a source of anxiety to Grant, who knows that the union of Lee and Johnston on some new field means an indefinite continuation of the war. During an interval in the fighting, General Lee reports to the authorities at Richmond the state of affairs at Petersburg, and gives notice that it is his purpose at nightfall to abandon both the capital and Petersburg. The President of the Confederacy is in attendance at St. Paul's church. The congregation, standing, are engaged in silent prayer. A messenger enters, walks rapidly up the aisle to the chancel, and hands Mr. Davis a sealed envelope. It is torn open, the contents read, after which Mr. Davis with hat in hand walks quietly and with dignity down the aisle and into the street. The services are resumed, but are interrupted by the arrival of

another messenger, and yet another, and the withdrawal of ladies, and in a few moments the congregation, followed by the minister, giving up the sacred service, pass out and to their homes to prepare, in silent resignation, for whatever is to come.[1]

A few miles away, at City Point, is another President, twice elected by the freemen of the United States. Ill-health and the annoyance of political pressure send him to take refuge with the quiet man in command of the national army, whose simple tastes, unostentatious habits of life and wonderful self-poise in great emergencies soothe and inspire with confidence the great soul burdened with care. On this Sabbath day he is in communication with the Lieutenant-General who is at the front, and is telegraphing frequently advices of the fighting. Almost at the moment when Mr. Davis in St. Paul's church is reading the fateful message from Lee, Mr. Lincoln is writing the following message to Secretary Stanton:

CITY POINT, 11 A.M., April 2.

Dispatches are frequently coming in. All is going on finely. Generals Parke, Wright and Ord's lines are extending from the Appomattox to Hatcher's Run. They have all broken through the enemy's entrenched lines, taking some forts, guns and prisoners. Sheridan, with his own cavalry, the Fifth Corps, and part of the Second, is coming in from the West on the enemy's flank. Wright is already tearing up the Southside railroad.

A. LINCOLN.

Late in the afternoon Mr. Davis, accompanied by his cabinet, staff and confidential clerk, departed by train for Danville, where he hoped to be joined by the army of General Lee. That night the retreat began which ended at Appomattox. When Mr. Lincoln entered Petersburg on the 3d, perfect silence pervaded the place. On the piazza of a deserted house, awaiting his coming, were General Grant and his staff. Besides these and a small escort of cavalry, not a soul was to be seen. Here General Grant explained to the President for the first

[1] *From Manassas to Appomattox*, p. 607.

time all of his movements and what he hoped to accomplish.[1] Early in the morning of the same day, General Weitzel with the Second Brigade of the Third Division of the Twenty-fourth Army Corps, entered Richmond. The officials had left, and the people were demoralized. The tobacco warehouses and the government workshops had been set on fire, and the whole city was endangered. The Union troops put out the fire and restored order. Later, Mr. Lincoln arrived and walked the streets. The remarkable scene that followed his recognition by the colored people is familiar to all. Its wonderful pathos touches the heart and impresses it far more deeply than any other incident in our life as a people. The fatherhood of God and the brotherhood of man stand revealed. As the "great ages onward roll" it is Lincoln, the central figure of this scene in Richmond, who will stand among the immortals.

The efforts of Lee's army to escape were futile. Regiments melted away, the soldiers quietly dropping out of rank to go to their homes, but there was still a considerable force devoted to the fortunes of their leader. The way to Danville was found to be blocked. They turned toward Lynchburg, where Lee once said he could maintain himself for years. General Gordon was asked to attempt to break through the cavalry line of Sheridan. Supported by Fitz Lee's cavalry he moved to the attack. The national cavalry fell back slowly, and all seemed to be going well, when suddenly a transformation took place. In place of the cavalry the enemy was confronted by serried lines of infantry—the Army of the James under General Ord and the Fifth Corps. When this new condition was reported, General Lee said: "There is nothing left but for me to go and see General Grant." The latter had considerately opened the way for him on the 7th, by calling his attention to the hopelessness of further resistance. The two commanders met at the house of Wilmer McLean, a gentleman who was residing near Manassas in 1861 and had removed to Appomattox to be free from war's alarms. Thus fate decreed that he

[1] *Memoirs*, vol. ii., p. 459.

should witness the first great triumph of the Confederates and their final surrender after defeat.

General Lee, omitting no form that should show respect to his great adversary, was clothed in a new uniform, with richly embroidered belt and dress sword and sash, buff leather gauntlets, boots and a pair of gold spurs. He was a tall, dignified gentleman, nearly sixty years old, whose bearing showed a high degree of culture and intelligence. In striking contrast in appearance on this occasion was the leader of the national army, who rode from his lines in haste for this meeting. He wore a soldier's blouse for a coat, was without a sword, and had nothing about him except his shoulder straps to indicate his rank. He was of medium height, of compact build and about forty-three years of age. The shape of his head, the lines of his face, showed resolution and a reserved power which time and opportunity alone could thoroughly test. His character was not yet fully developed. His bearing was that of an intelligent gentleman having a perfect mastery of business, rather than that of a military leader. There was an absence of the characteristics of the martinet, or of one who gloried in the pomp and circumstance of war. The two soldiers greeted each other and then fell into pleasant conversation about old army times. Apparently the purpose of the conqueror was to spare the feelings of the less fortunate officer. The business in hand was approached in the simplest way. Generous terms were proposed and accepted, we may be sure not without emotion. These were: The officers to give their individual paroles not to take up arms against the government of the United States until properly exchanged, and each company or regimental commander to sign a like parole for the men of his command. The arms, artillery and public property to be packed and stacked, and turned over to the officer appointed to receive them. The officers were permitted to retain their side arms, private horses and baggage. "This done, each officer and man will be allowed to return to their homes, not to be disturbed by the United States authority so long as they observe their paroles and the laws in force where they may reside."

After a moment's reflection, overwhelmed by the realization of the poverty of the paroled soldiers and their families, General Grant added that he would instruct his officers to let every man who claimed to own a horse or mule take the animal to his home. General Lee remarked that this would have a happy effect. The fraternization of the soldiers of the two armies proved that they cherished no animosities. Concord was restored for them. But what of ambitious leaders? What of political questions? We shall soon see. Meanwhile, the victorious commander, thinking only of his country, hastened to Washington to stop the purchase of supplies and the further waste of money, for he believed the end was at hand.

The surrender of General Lee led to negotiations between General Johnston and General Sherman. An agreement for a suspension of hostilities, and a memorandum of terms of peace, subject to the approval of the President, were made on the 18th. This memorandum not being approved by the President, another meeting between the commanding officers was held, at which General Johnston accepted the same terms as were given to General Lee. Secretary Stanton took occasion to animadvert publicly on General Sherman for his memorandum, which the latter resented also publicly. The soldiers of Sherman's army had hoped to share in the taking of Richmond, but this was not permitted lest it create a feeling of jealousy. The Western armies had been in the main successful until they had conquered all the territory from the Mississippi River to the State of North Carolina, and it would not do to let them open the gates of Richmond.[1]

The public rejoicing, begun on the fall of Richmond, gained in intensity when the surrender of Lee was known. But while there was firing of cannon and a display of bonfires and skyrockets and oratory, these were a part of the expression of gratitude to God for the dawn of peace. The announcement reached the West Sunday night, and in most cities the ringing of bells brought the people into the streets when impromptu meetings were held. At Columbus there was a great gathering,

[1] Grant's *Memoirs*, vol. ii., p. 460.

which was addressed by Governor Brough. In the course of his remarks, he alluded to an event that had much to do with the final success. Ohio, by putting her National Guard into the field, had liberated 50,000 veterans, by whose help General Grant had been enabled to drive Lee from the Wilderness and defeat him at Spottsylvania. Had this not been done, he could not have forced the enemy back into Richmond, and held him there with a firm grip. An appropriate reference to the day moved the vast concourse to join in singing the Doxology, "Praise God from whom all blessings flow." Spontaneously the hymn was repeated, after which the people returned to their homes.

The religious faith [said the New York *Times*] which carried the loyal people through such an ordeal, is fitly followed now by a religious gratitude. It is wonderful to mark the solemn character of joy that now spreads over the land. . . . The dominant feelings of the people is no ebullient exhilaration over human achievement, but a profound sense of a Divine blessing. The popular heart relieves itself, not so much in cheers and hurrahs as in doxologies.[1]

In the midst of the manifestations of joy a subject of serious import occupied the thoughts of many people. The military power of the insurgents had been broken, but there was the mass of the Southern people and their emancipated slaves to be dealt with. What should be their treatment? How and in what form should civil government he restored in the insurgent districts? The rebellious State governments might be recognized, but in what relation would they stand to the national authority? How execute judgment for the crime which had filled the land with woe, so that it should be a warning for all time? How temper justice with mercy, so that the act should conform to righteousness? How build up civil government on disorganized and discordant elements, replace military power by the rule of law, transfer the protection of society to a people hostile to the national authority, and establish peace on such foundations that the blood and treasure should

[1] April 11th.

not be thrown away? The difference of opinion among loyal people as to the mode, manner and measure of reconstruction was a source of embarrassment. We have seen how it had already divided the executive from the legislative department. Mr. Lincoln, in his last public speech, while defending his Louisiana plan of reconstruction, recognized the embarrassment. He concluded with the remark that in the situation it might be his duty to make some new announcement to the South. What new scheme had taken form in the mind of the President, can only be conjectured. In less than three days he was struck down by the bullet of the assassin. That it was in keeping with the spirit of his second inaugural address, we feel certain.

A class representing the best thought and culture of the country hastened to deprecate any vengeful action. This feeling found appropriate expression in Faneuil Hall directly after the fall of Richmond. The war brought to a successful conclusion, the greater work of peace, said Robert C. Winthrop, remained to be undertaken, and would require all the energies and all the endurance of the people. "Let us exhibit our land in the noblest of all attitudes—the only attitude worthy of a Christian nation—that of seeking to restore and maintain peace and brotherhood at home and abroad." It was in the power of the United States to set such an example of moderation in the hour of triumph, as should strike the imagination of other peoples and show the superiority of republican over monarchical governments. Let this great civil war be ended as no other ever was—without the shedding of blood in vengeance. The loyal people were bondsmen for the welfare and prosperity of the whole country, not of a section.

Few men can afford to be just [said Henry Ward Beecher in Plymouth church] until they first learn how to love. Men ask: Ought not the principal leaders to be executed? Ought there not to be a terrible spectacle of retribution? If Mr. Davis was my lawful prey to-night I would do by him as I did with another wasp yesterday. I saw the fellow on my door in the country, and was just about to smash him, when I said: "What 's the use? It 's

only a wasp, and it 's not at all probable that he and I will ever meet again, so I 'll let him go." That 's what I 'd do to Jeff Davis. Let him go away where he 'll be by himself, powerless to injure us, and of no particular account to anybody else.

Mr. Beecher had a mission to go to South Carolina. "In that crumbling pulpit of Charleston Harbor I am your minister to say to them, there is nothing now between us and you; we are brethren; we love you, and desire your regard in return; and on such a mission as that I will go forth most cheerfully." [1] Those who gave expression to this fraternal feeling—Sumner, Chase, Whittier and others besides Mr. Beecher—had at heart not simply the freedom but the full enfranchisement of the black man. It was believed that reconstruction without this would be an injustice, a fatal policy. The Republic should be established upon manhood suffrage, upon the equality of all men before the law, upon justice. In no other way could the poor be made secure against the rich.

Doubtless a majority of loyal people felt that the terrible lesson of the war, which had been precipitated because a minority objected to the election of Mr. Lincoln, ought not to be thrown away by seeking to spare the rebels the conviction that they were conquered. A gush of emotions and fine sentiments would not take the place of statesmanship. A journal [2] of wide influence, holding to this more generally accepted opinion, reminded those who inconsiderately referred to the parable of the Prodigal Son as containing the lesson which the North ought to take to heart, that in the parable of the Prodigal Son there was first a repentant wanderer returning with humbled spirit to confess his sin, acknowledge his unworthiness to be numbered among the sons, and to crave a place among the servants; and the father, while rejoicing over the rescue of his erring son from perdition, yet abating nothing of the rights of the faithful son.

But so bent are the minds of some upon this emotional manner of settlement with the insurgents, that they are willing to enact the

[1] New York *Tribune*, April 6th.

[2] The Cincinnati *Gazette*, April 12th.

play of the Prodigal Son with the part of the repenting prodigal left out, and to have the father bring him back still rebellious and malignant, and give him the place of honor and control over the whole patrimony.

This would be to encourage further rebellions.

A false issue had been raised to hide the real question, as if they who hesitated to restore the rebel class to political power sought vengeance, sought to hold the States as conquered provinces; as if they were insensible to mercy, magnanimity and generosity to a fallen foe. What they asked was the same obedience to law that they themselves observed. What they sought to impose was only such safeguards as should be necessary to establish peace on permanent foundations, to remove the cause of sectional conflict, and to hold the local governments in abeyance until loyalty should be so established that they might safely be entrusted to the majority of the inhabitants.

"The victory that day was turned into mourning unto all the people." A few hours after General Robert Anderson had raised the starry banner over Sumter on the 14th of April, and it had been saluted by the guns of all the captured rebel forts and greeted by the shouts of the people present; after the Rev. Henry Ward Beecher had delivered the promised message of peace and good will, and offered congratulations that God had preserved the life of the President, "and permitted him to behold this auspicious consummation of that national unity for which he had waited with so much patience and fortitude, and for which he had labored with such disinterested wisdom,"—in the very moment when all seemed secure and every heart was filled with gladness, the people were plunged into the abyss of grief and woe unspeakable by the assassination of the President. The sunlight was suddenly extinguished, the azure of heaven was succeeded by a pall of black, the mind was filled with fear, with an awful dread of evil impending. Shot in Ford's Theatre by Wilkes Booth, an actor, the instrument of the malignity of foiled partisans! Why

repeat the story known of all men? A nation mourns for the loss of the beloved magistrate, the wisest counsellor, the tenderest heart, the great, far-seeing leader.

Of leaders slain before his time, only one bears a resemblance to Lincoln, the republican. Two hundred and eighty-one years before, the head of a people engaged in a life-and-death struggle with despotism—who were successfully resisting the dreaded Inquisition and the all-conquering soldiers of Spain—was assassinated in his own residence in Delft. There are many points of resemblance in the character of William of Orange and Abraham Lincoln. The nature of each was frank and generous. A love of justice was the guiding principle of action with both, and both reached that degree of wisdom which extends to others the most perfect toleration. Each was resourceful in emergencies, brave in the midst of dangers. They excelled in statecraft, and, as statesmen, were original, broad-minded and far-seeing. There was the experience of almost three centuries between them. They fought the same fight of humanity, with this difference, that William of Orange had to contend with the powers of darkness as well as with the Spanish army. It was the happy fate of Mr. Lincoln to proclaim the freedom of millions born into a state of slavery, and, coöperating with Congress, to inaugurate and perfect measures which forever prohibited the restoration of the system. Seizing opportunity by the forelock, William of Orange with masterly skill formed such combinations as worked the overthrow of despotism and secured to a great people freedom of religious opinion, freedom of speech and of the press. His home became a refuge to the oppressed of other countries. From the shore of the North Sea adventurous and God-fearing men carried to America the principles of liberty which made great the Republic of which Abraham Lincoln nearly three hundred years later became the President. Both won the love and confidence of men by the display of the noblest traits of character, both in controlling and directing affairs appealed to the public reason and conscience, never to fear or base motives.

CHAPTER IX

ANDREW JOHNSON'S PLANS FOR RECONSTRUCTION — THE FOURTEENTH AMENDMENT

THE war was at an end. If the song of triumph was not heard in the South, there was a feeling of relief that no further sacrifices were demanded. The dissatisfaction of the people with Mr. Davis's management, with the tyranny centralized at Richmond, was profound, and they welcomed peace. The iron soldiers of Lee and Johnston and Longstreet quietly returned to their homes, to repair the waste of a four-years' effort to destroy what their fathers had builded. Many of the leaders in the secession movement escaped from the country. General Breckinridge, who had participated in the conference between Generals Sherman and Johnston, made his way to Cuba. General Toombs proceeded by way of Havana to Paris. Jefferson Davis, unfortunately for the peace of the country, was captured by a detachment of General Wilson's cavalry. It was the desire of Mr. Lincoln and others that he should escape from the country. Such leaders of the secession movement as were captured and imprisoned for a time were never brought to trial. No one was hanged for treason. There were no bloody executions, as in other countries.

The reorganization of the Southern States was the paramount question of the day. The refusal of President Lincoln to sign the reconstruction bill passed by Congress left the executive without a law to guide him in dealing with the insurgent States. Whatever course Mr. Johnson might take would not

save him from criticism and open opposition in some quarter, because there was no agreement among the leading public men of the day over the questions involved. These were open to debate, but meanwhile, the President was called on to act to preserve order within the States involved. The language uniformly used by him in the beginning of his administration misled the public as to the policy he would adopt in reorganizing the States. "Let it be engraved on every heart," he said, "that treason is a crime, and that traitors shall suffer its penalty."

> While we strain our minds [he added] to comprehend the enormity of the assassination of Mr. Lincoln we may remember the infinity of the guilt which sought to assassinate the nation. I make this allusion not to excite the already exasperated feelings of the public, but to point out the principles of justice which should govern our action at this particular juncture, and which accord with public morals.

This remark invited the comment from an earnest journal[1] that, when treason should be made infamous, public morality and justice would be established and future peace secured. And treason could be made odious not by bloody executions, but by the forfeiture of political rights, not of States, but of individuals. The class which conspired and carried on the war ought never to be restored to political power. Disfranchisement of them would secure the reconstruction of government in the hands of the loyal people. But were not the mass of the people of the South compromised with rebellion? To whom would the term "loyal" apply? Union men there were in most of the States, in some they were in the majority at the outbreak of the war, but they were swept into the bloody current with their rebellious neighbors. If guaranties were once obtained, magnanimity might be boundless when the end of law—the safety of society—was secured. There was no suggestion in all this that suffrage for freedmen would be made a condition. Even Mr. Beecher in his Charleston address did

[1] Cincinnati *Gazette*.

not set forth this as an essential part of reconstruction. "One nation, under one government, without slaves," said he, "has been ordained and shall stand. There can be peace on no other basis. On this basis reconstruction is easy, and needs neither architect nor engineer. Without this basis no engineer or architect shall ever reconstruct these rebellious States." The Constitution, the laws, the government—these constitute the foundation of security to society to-day, to-morrow, for all time.

The views of the President took more definite form after the passing of the storm of passion. In an interview with the Hon. James M. Ashley, who, with other radicals, was pressing upon Mr. Johnson the claim of the negro to suffrage, the President declared that, while he desired that all men should vote without distinction of color, the States that had been in rebellion were still States; that their governments were not destroyed, but were only in abeyance, and that when the rebellion was suppressed or the laws and Constitution revived, neither he nor Congress had any authority to prescribe the qualification of electors in those States.[1] In other words, the political existence of the States is indestructible. "I do not mean to treat them as inchoate States," he remarked to General John A. Logan, "but merely as existing under a tempo-

[1] Toledo *Commercial*, June 7, 1865, which contains a full report of Mr. Ashley's address. In his extraordinary "inaugural" address, when he took the oath as Vice-President, March 4th, Mr. Johnson said: "I desire to proclaim that Tennessee is free. She has bent the tyrant's rod, she has broken the yoke of slavery, she stands to-day redeemed. She waited not for the exercise of power by Congress; it was her own act; and she is now as loyal, Mr. Attorney-General, as the State from which you come. It is the doctrine of the federal Constitution that no State can go out of this Union, and, moreover, Congress cannot eject a state from this Union. Thank God, Tennessee has never been out of the Union! It is true, the operations of her government were for a time interrupted; there was an interregnum; but she is still in the Union and I am her representative. This day she elects her Governor and her Legislature, which will be convened on the first Monday of April, and her Senators and Representatives will soon mingle with those of her sister States; and who will gainsay it, for the Constitution provides that to every State shall be guaranteed a republican form of government." Mr. Lincoln approved of Mr. Johnson's reorganization of civil government in Tennessee. The Rev. William G. Brownlow was elected Governor.

rary suspension of their governments, provided always they elect loyal men. The doctrine of coercion to preserve a State in the Union has been vindicated by the people." All that he felt required to do was to put the loyal people in the way to a full restoration of their constitutional rights and privileges as members of the Union. It might seem that the government had been tardy to protect the Union men in the South, he said to a South Carolina delegation, "but they are protected now, and having reached that protection they should come forward and stand upon an equality with the other loyal men everywhere in the country." On the question of suffrage he claimed that in the exercise of the war power he could impose conditions upon persons who had been engaged in rebellion as punishment for crime. He could withhold the right of suffrage from certain classes formerly exercising it; but he could not extend it to other classes excluded by State constitutions. Southern men were advised to extend, voluntarily, suffrage to the negroes. Judge Yerger of Mississippi was told that no good reason aside from the prejudices of the people could be given for excluding them from the right of suffrage.[1]

This opinion, expressed by one whose origin was of the "poor white class," carried with it less weight than if it had fallen from the lips of a member of the old aristocracy. The efforts of the executive and others who, to preserve the semblance of consistency, held to the doctrine that States insurgent were all the while in the Union, was the cause of most of the difficulty. The declared purpose in 1861—the language of the Crittenden resolution as to the objects of the war—was, that the States were to be forced to return with all of their rights unimpaired, including the system of slavery. The amnesty and emancipation proclamations changed the conditions. Of necessity, President Lincoln demanded the recognition of the validity of his proclamations as a condition precedent to the return of a State. Having imposed a single condition, he could with as much right impose others. In either case, the theory of the States remaining in the Union

[1] Washington correspondence Boston *Advertiser*.

with rights only in abeyance while engaged in rebellion was knocked in the head. If the President could exclude one man as a voter, he could exclude ten thousand, and if he could admit any one man to vote he could admit all loyal men without regard to color. Nor was this the whole matter. Congress could as well impose conditions which should be thought essential to an enduring peace.

President Johnson adopted Mr. Lincoln's Louisiana plan for reorganizing civil government in the States, with modifications suggested by the radicals making it more stringent. Thus, he debarred from taking the oath eight classes permitted by Mr. Lincoln, unless they first had a special pardon from him, and he omitted a clause from the oath prescribed, which strengthened it. The new amnesty proclamation was issued May 29, 1865. It granted pardon and amnesty, with all rights of property (except slaves, and in cases where legal proceedings had been instituted under the confiscation act) to all who had been in rebellion, upon taking an oath to "faithfully defend the Constitution of the United States thereunder, and in like manner to abide by, and faithfully support, all the laws and proclamations which have been made during the existing rebellion, with reference to the emancipation of slaves." To each of the clauses of this oath Mr. Lincoln, in his proclamation of December 8, 1863, had added these qualifying words: "*So long and so far as not modified or declared void by the decision of the Supreme Court.*" It was objected to this, that it left room for mental reservations. Accordingly, it was omitted by President Johnson. In another respect, there was agreement between Mr. Lincoln and Mr. Johnson. The latter increased the number of excepted classes, but indicated, as did his great predecessor, that clemency would be liberally extended by the executive.[1] Mr. Lincoln would have been

[1] "In the archives of the State Department there are some twenty-four large volumes recording the pardons granted in less than nine months after the proclamation. The aggregate number is nearly fourteen thousand, and the list includes prominent men of all classes in the South. . . . Many of these sought to place themselves in harmony with the restored Union and looked forward

gratified to see qualified suffrage conferred on the colored race —the right to vote given to the black soldiers and to such freedmen as could read—but he did not make that a condition in the work of reorganization. Nor did Mr. Johnson, who stood by the Thirteenth Amendment, and also suggested to the provisional Governors that it would be well to grant the elective franchise to all negroes who could read the Constitution of the United States and write their names, and to those who owned real estate valued at not less than two hundred and fifty dollars.

Mr. Johnson understood, as well as Mr. Lincoln, that race prejudice had prevented the enfranchisement of the colored man in most of the Northern States; that while Republican New York, Pennsylvania and Ohio refused this boon, it would be difficult to reconcile other communities, where the prejudice was almost universal, to the exaction of manhood suffrage as a condition precedent to a restoration of the States to all the rights and privileges of the Union. In Ohio, partial suffrage was acquiesced in, but the enfranchisement of all of the colored people would undoubtedly be rejected. Indiana's constitution excluded colored immigrants from the State, and there were still odious black laws upon her statute books The black man was not only not permitted to vote, but not permitted to testify in the courts of justice. His children were excluded from the public schools, notwithstanding he was taxed equally with his white neighbor. No negro entering the State after the year 1850 could make a valid contract, or acquire title to land. Every man giving such a person employment was liable to prosecution and fine. More than half the members of the Twenty-eighth Indiana colored regiment, men who had fought well for two years, would come under the exclusion rule on attempting to return to the State, and be liable to prosecution and fine [1]—to legal persecution insti-

hopefully to the events of the future. Many others, as it must be regretfully but truthfully recorded, . . . accepted every favor with an ill grace, and showed rancorous hatred to the national government even when they knew it only as a benefactor."—Blaine's *Twenty Years of Congress*, vol. ii., p. 76.

[1] Speech of Governor O. P. Morton at Richmond, September 29, 1865.

gated by those whose hearts were filled with hatred of the race.

The President, in a second proclamation, appointed William W. Holden provisional Governor of the State of North Carolina. It was made his duty to assemble a convention, composed of delegates who were loyal to the United States, and no others,

> for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the federal government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor, and its people to protection by the United States against invasion, insurrection and domestic violence.

No one was qualified as an elector or eligible as a delegate unless he had previously taken the prescribed oath of allegiance, and unless he also possessed the qualifications of a voter defined by the State constitution and laws in force prior to the ordinance of secession. This excluded the loyal freedmen from all participation in the election of delegates to the constitutional convention, and committed the work of reorganization to the white men, who, outside of the excepted classes (the old leaders and men of experience and culture), were ready to take the oath of fealty to the government. It gave to them the power to prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the State. Thus, the President, in determining that he would not insist upon giving the freedmen the right to vote as an indispensable condition of reconstruction, rendered certain a renewal of the bitter warfare with philanthropically-inclined citizens, who believed there could be no permanent peace until justice should be rendered alike to all, without discrimination on account of color or race. While the work of reorganizing civil government within the State was in progress, postal facilities were renewed, the United States courts were

reopened, and the authority of the general government was restored throughout the boundaries of the State. Like action was taken in Mississippi, Georgia, Texas, Alabama, South Carolina and Florida.[1] The governments of Tennessee, Arkansas, Louisiana and Virginia established under Mr. Lincoln's authority, were now recognized. By the middle of July the whole scheme, which had received the approval of every member of the Cabinet[2] was in operation and soon developed a capacity to disappoint the confident anticipations of the majority of the people of the North.

But before this became manifest, the President received the endorsement of the Union party in several States. The brave fight made by Mr. Johnson in Tennessee, and the tenor of his conversations soon after he became President, led the people to expect that in the work of reorganization the rights of all included in the loyal classes would be protected. An important State convention was held in Columbus, Ohio, June 21st, which was attended by all the able leaders of the dominant party and included a large delegation of officers from the army. Governor Brough having declined to accept a renomination,[3] General Jacob D. Cox was selected as the head of the ticket with unanimity. The high character and manly independence of General Cox made him an ideal candidate, and insured a candid discussion of all of the vital questions of the day.

[1] William L. Sharkey was appointed provisional Governor of Mississippi, June 13th; James Johnson of Georgia and Andrew J. Hamilton of Texas, June 17th; Lewis E. Parsons of Alabama, June 21st; Benj. F. Perry of South Carolina, June 30th, and William Marvin of Florida, July 13th.

[2] President Johnson retained the Cabinet of Mr. Lincoln, which was constituted as follows: William H. Seward of New York, Secretary of State; Hugh McCulloch of Indiana, Secretary of the Treasury; Edwin M. Stanton of Pennsylvania, Secretary of War; Gideon Wells of Connecticut, Secretary of Navy; James Speed of Kentucky, Attorney-General; William Dennison of Ohio, Postmaster-General; James Harlan of Iowa, Secretary of the Interior. Secretary Seward was in May sufficiently recovered from the murderous blows of the assassin to enable him to discharge the duties of his office.

[3] Governor Brough was already suffering from the illness which proved fatal August 29th.

The radicals formed a large and influential element in the convention, but they refrained from making an issue on suffrage. The overthrow and eradication of slavery was felt to be a paramount consideration of the hour; and no expression of opinion that might embarrass or prevent this consummation was permitted. For this reason, negro suffrage was subordinated to the adoption of the Thirteenth Amendment.[1] The army delegates instructed their representatives to "insist upon an unequivocal endorsement of the policy of the President." The resolution upon this subject, which received the unanimous approval of the convention, was certainly explicit. It declared that the President "has now our highest confidence, and that we cheerfully endorse the policy of his administration, looking to the restoration of peace and civil order in the so-called seceded States, and that, as Union men of Ohio, we will give him our hearty and undivided support." There was another resolution which should be read in this connection, as it contains the fixed purpose of the Union party of Ohio:

> That while we are anxious for an early reconstruction of fraternal relations with the insurgent States, we demand that such reconstruction shall be at such time and upon such terms as will give unquestioned assurance of the peace and security, not only of the loyal people of the rebel States, but also of the peace and prosperity of the federal Union.

At the ratification meeting which was held at the close of the convention, Senator Sherman thanked the delegates for having pledged to the President the support of the party, a pledge he believed the people of Ohio would make good. The questions growing out of the war were grave and difficult, and if, in dealing with them, the administration failed to come up to the standard of those living in Ohio, the people should be kind and forbearing. On the other hand, General Schenck declared that he would be in no hurry to invite any of the

[1] Judge William M. Dickson, *Review of General Cox's Letter*, August 10, 1865. Judge Dickson drafted the Ohio platform.

insurgent States back, unless satisfied that they were in a perfectly sound and healthy condition, and fit to coöperate with the other people of the Union in the great work of perpetuating the liberties of the country. South Carolina had been about thirty years conspiring to get out of the Union, culminating in an attack upon the government, and he did not care if she were thirty years getting back, so that when she came back the country would have no more trouble from that source. Let it take one or ten years, in all that relates to the general government and these States. "We should keep our hand upon them, keep our military in charge of them, let them grow into a sound and healthy state and then build upon them as a part of the common structure of the entire Union."

Mr. Sumner declared that neither the rebellion nor slavery was yet ended; that while there was still a *quasi* rebellion, so there was still a *quasi* slavery. Guaranties must be exacted before rehabilitation. To secure these, time was necessary. "There must be no precipitation. Time is the gentlest, but most powerful, revolutionist. Time is the surest reformer. Time is a peace-maker. Time is necessary to growth, and it is an element of change." The same thought occurred to Mr. Sumner as to General Schenck. "For thirty years and more this wickedness was maturing. Who can say that the same time will not be needed now to mature the conditions of permanent peace?"[1] General Henry V. Boynton, writing from Raleigh, N. C., deprecated the haste manifested to supersede the provisional governments of the South with permanent ones, as there was danger that the bloody sweat of the North would prove to have been spent in vain through the scheming of politicians.[2]

The situation was so complicated with race antagonisms, with the feeling of resentment engendered by defeat and loss of wealth and power, with the ignorance of large classes, with the fear of social degradation, and with the confusion of mind resulting from the sudden overthrow of a political theory to

[1] Speech of Charles Sumner at the Republican State Convention in Worcester, September 14, 1865. Pamphlet.

[2] Cincinnati *Gazette*, July 6, 1865.

which social order had been adapted, that broad statesmanship alone—statesmanship, wise, patient and charitable—was competent to deal with it. Time was an element of importance—Time the great healer.

There was yet another source of embarrassment in the Northern States. The "Copperhead" Democrats, who had gained no wisdom during four years of war, were hoping that the Thirteenth Amendment might fail to receive the support of enough States to make it a part of the fundamental law. They were repeating the argument of Mr. Pendleton that the amendment violated the spirit of the Constitution, by invading the reserved rights of the States. Unteachable in their perverseness, they did not see that revolution had changed the whole relation of things. The Southern aristocracy had made slavery the issue of the conflict. When the rebellion fell, the institution of human bondage on the American continent fell also. There could be no restoration until this fact should be engrafted on the Constitution. This was the first step. The second involved the protection of the wards of the nation. How should that be done? Here differences arose among the Unionists. Some philanthropists, fearing a race conflict, objected to the enfranchisement of the freedmen, as repeating the error committed by the founders of the Republic when they compromised two antagonistic principles. The nation owed it to itself, to the world, and to the common Father of all to protect the negro in the enjoyment of all natural rights. Should we go further and bestow political rights and privileges on him? There was no logical connection between the two. Political disfranchisement was no new thing in government, and there was not necessarily any hardship in it. If suffrage were extended to the freedmen, God in His providence might decree another war to prove to us that emancipation was not the necessary or logical antecedent of enfranchisement. The settled policy of the government should be to establish the blacks in a land of their own, and one adapted to their constitutions and habits.[1] General Cox, now the standard-bearer of

[1] *The Right of Suffrage*, by "Phocion." Pamphlet, p. 10.

the Union party in Ohio, was the most conspicuous champion of the policy of a peaceable separation of the races. He felt that there could be no political unity in a forced fusion of bitterly hostile races, "but rather a strife for the mastery, in which the one or the other would go to the wall." [1] This was met by a sneer from Mr. Sumner, who exclaimed:

> God save the West! . . . It is vain to say that this is the country of the white man. It is the country of Man. Whoever disowns any member of the human family as brother disowns God as father, and thus becomes impious as well as inhuman. It is the glory of republican institutions that they give practical form to this irresistible principle. If anybody is to be sent away let it be the guilty and not the innocent. The expatriation of leading rebels will be a public good. As long as they are here they will resist guaranties; but it is little short of madness to think of exiling loyal persons, whose strong arms are needed, not only for the cultivation of the soil, but also for the protection of the government itself.[2]

Judge Dickson denied the existence of any such "rooted antagonism" between the whites and the blacks of the South as was alleged, and the whole philosophy founded upon it. That prejudices existed he would admit. They were of the same nature as other prejudices, and should have the same treatment. The prejudices between Jew and Christian, Protestant and Catholic, have been softened down by the operation of the sublime principles of our government. Such would be the result of extending those principles to the black race. The negro would feel, having entire equality before the law, the ambition to become a good citizen; and the ambitious white man would respect the power of the negro votes, and endeavor by kind treatment to gain them.[3] Was it objected that the Southern negroes were ignorant and unfit to vote? Yet they shared this ignorance in common with the poor

[1] Letter of Gen. J. D. Cox to citizens of Oberlin.

[2] Speech of Charles Sumner at Worcester, Mass., September 14, 1865.

[3] *Review of General Cox's Letter*, by Judge William M. Dickson, August 10, 1865.

whites, and if the educational test was to be applied to the black man it should also be applied to the white. Freedom is the school in which freemen are to be taught, and the ballot box is a wonderful educator.[1]

John Stuart Mill was brought into the controversy, and his great authority placed in the balance in favor of bestowing on the freedmen political rights to enable them to protect their natural rights. Another point was scored by Mr. Mill—the importance of their aid in maintaining the faith of the government. He said:

> The Southern people, their lives, bodies and estates were, by the issue of the war, placed at the discretion of their conquerors; but of conquerors whom both the general law of right, and the special principles of their own social and political institutions, forbid to exercise permanent dominion over any human beings as subjects, or on any other footing than that of equal citizenship. It would, however, be on the part of the free States a generosity partaking of silliness, were they to give back to their bitter enemies not only power to govern themselves, and the negroes within their limits, but (through representatives in Congress) to govern the free States too, without first exacting such changes in the structure of Southern society as will render such a relation between them and the free States rational and safe. If you have not a right to do this, you had not a right to impose the abolition of slavery. Consider what an element you are going once more to admit into the supreme government of the Union. Think of this one thing—it is but one of many: every Southern member of Congress elected without negro suffrage is a sure vote for that blackest and most disgraceful breach of faith, which would brand American democracy and popular government itself with a mark that would endure for generations — the repudiation of the war debt.[2]

The security which this class of thinkers believed to be necessary, Mr. Sumner declared, "must be found in organic law with irreversible guaranties; and these irreversible guaranties

[1] Address by Judge Dickson at Oberlin, October 3, 1865.

[2] Letter from John Stuart Mill to Judge W. M. Dickson, September 1, 1865. Pamphlet.

must be co-extensive with the danger." Another class of earnest Union men would meet the suffrage problem by amending the Constitution so as to apportion the political powers of the States, not by population, but according to the number of voters, white or black. If the negro was denied a vote he must not be represented. The effect would be to drive the Southern whites by degrees to enfranchise the colored men for the purpose of increasing their power in Congress.[1] It had at last dawned on the North that unless there should be a constitutional regulation or manhood suffrage should be established, the inequity of Southern representation would be increased by two fifths, thus giving to each elector two votes to the Northern elector's single ballot.

Evidence accumulated during the closing months of the year of the systematic oppression of the freed people; of the prevalence of a feeling of hatred for those citizens who had manifested Union sentiments, and for the Northern men sojourning in the South. But for the presence of the military, the situation of these classes would have been made very uncomfortable, not to say dangerous. Respect was shown to the authority of the Union soldier, but he was still looked upon as a stranger, as an intruder—the "Yankee," the "enemy." It was the opinion of an intelligent observer, writing from New Orleans, that the South never before so deeply hated the North; and that the negro without a vote would be infinitely worse off than he was in slavery.[2] "It behooves all our citizens," wrote Jacob Barker to another Southerner who had taken the oath, "to return at once and qualify themselves to vote. Do this and we shall assuredly succeed in giving the newcomers leave of absence at the next election." The Union men of Louisiana, after having stood the brunt of persecution and untold hardships during the "reign of terror," finding themselves persecuted by their enemies, could obtain no redress for their grievances in the civil courts of the State, and little protection from the federal

[1] Governor Morton at Richmond, September 29th.
[2] Cincinnati *Gazette*, July 6, 1865.

authorities.[1] It was supposed that under the proclamation of the President, loyal Unionists would be largely engaged in the work of reconstruction; but they were brushed aside by those to whom pardon and amnesty were extended. The homes of some of them were burnt; some were shot; others had to flee for their lives. The Governor announced that whatever happened, Louisiana should not be "Yankeeized."

In South Carolina the President's provisional Governor declared that the compulsory return of the State to the Union was humiliating and degrading.[2] The feeling that they had been overpowered by numbers, and would submit from necessity, was entertained by a large and influential class in all of the States. But, understanding the serviceableness of prudence in such an emergency, they advised that men of moderate sentiments be returned to Congress, since otherwise they would be sure to be refused admission. Cities and towns enacted "black codes," as in the days of slavery. In Franklin, and elsewhere in Louisiana, colored persons were not permitted to remain within the corporate limits, except during certain hours of the day, and then only with a written pass from their former owners or employers. Citizens transacting business with freedmen, or leasing houses to them, without a written permit from former masters, were liable to prosecution. Two worthy citizens of the parish of Terrebonne were indicted by the grand jury for having expressed the opinion that the freedmen should vote, and that unless this privilege were peacefully granted, blood would be shed in obtaining it.[3] Laws concerning apprenticeship and vagrancy were made applicable alone to colored people. The clear intent of these laws was to reduce the victims to slavery for a limited period, since, in case of failure to pay the fine—usually a large sum—on conviction, they could be "hired out" by the town officials for six months—the amount realized for such service to be

[1] Statement of Capt. D. E. Haynes, who commanded a company of scouts in the Red River expedition, December 30, 1865.

[2] "Agate" (Whitelaw Reid), correspondence Cincinnati *Gazette*, August 3, 1865.

[3] Speech of Michael Hahn of Louisiana, in Washington November, 19, 1865.

paid into the treasury of the county. It was made the duty of all sheriffs, justices of the peace, and other civil officers of the several counties, by a law of Alabama, to report the "names of all minors under the age of eighteen years, whose parents have not the means or who refuse to support said minors," and thereupon it was the duty of the court "to apprentice said minor to some suitable person on such terms as the court may direct." And, in the language of the old slave-code, "whoever shall entice said apprentice from his master or mistress, or furnish food or clothing to him or her, without the consent of the master or mistress shall be fined in a sum not exceeding five hundred dollars."

General Carl Schurz, who went South at the request of the President to make observations as to the working of his reconstruction plan, expressed the opinion that, according to his observation, the free-labor system of that region was not, in a majority of cases, undertaken in good faith on the part of the planters. They affected to disbelieve in the possibility of its success, and by their course sought to make it a failure, if possible. Should the military be removed, the whites would at once act upon the theory that the blacks would not work except on compulsion. General Schurz thought that, under the circumstances, the freedmen were doing a "middling fair" show of labor. He said, further, that at the close of the war the planters attempted to keep their former slaves on the plantations, believing that as soon as civil government should be restored the emancipation proclamation would be declared unconstitutional, and the negroes be again reduced to slavery.[1]

General Schurz's official report, moderate in tone, cited cases which went to show that the preconceived opinion of the Southerner that the negro would not work without compulsion influenced his treatment of the free laborer. When instances were given of faithful work on plantations, the comment would be that General Schurz was probably mistaken, or misinformed, as everybody knew the negro would not work without compulsion. "I heard a Georgia planter argue most seriously

[1] Letter of General Schurz from Charleston to the Boston *Advertiser*.

that one of his negroes had shown himself certainly unfit for freedom, because he impudently refused to submit to a whipping." Negroes were kept on plantations by ruse or violence in South Carolina and Georgia, and where they attempted to escape they were wounded or killed outright. In one district of Mississippi the colored people were kept in slavery still. The white people told them that during the war they were free, but the war being over they must go to work again as before. Speaking in general terms, General Schurz declared that, so far, the spirit of persecution had shown itself so strong as to make the protection of the freedmen by the military arm of the government in many localities necessary, in almost all desirable. The friends of the freedmen were also under condemnation. Governor Sharkey admitted to Generals Schurz and Osterhaus that, if the troops were withdrawn, the lives of Northern men in Mississippi would not be safe.

It must not be forgotten that in a community, a majority of whose members is peaceably disposed but not willing or able to enforce peace or order, a comparatively small number of bold and lawless men can determine the character of the whole. The rebellion itself, in some of the Southern States, furnished a striking illustration of this truth.

This charitable view, unfortunately, did not explain away the work of Legislatures and city councils in contriving schemes to re-enslave the negroes, and in imposing restrictions upon their movements severer than in the days of slavery. The Legislature of Mississippi provided by law that if a laborer should quit the service of an employer before the expiration of his term of service without just cause, he should forfeit his wages for that year up to the time of quitting. "Practically the negro was himself never permitted to judge whether the cause which drove him to seek employment elsewhere was just, the white man being the sole arbiter in the premises." [1] The conviction that without the aid of the Freedmen's Bureau the colored people would not be permitted to labor at fair

[1] *Twenty Years of Congress*, vol. ii. p. 100.

prices, and could hardly live in safety, was justified by countless facts, and the observations of Union men and military officers of prominence. With such protection, the colored people on the plantations in Louisiana were able to find employment at fair wages.[1] For a brief while they would enter into no agreements with the planters because of the expectation that they would be enabled to work only for themselves on lands of their own—the gift of the government.[2] This fact was clear, that there was no general disinclination to work, but instead a laudable desire to be permitted to work on land which they could call their own.

All educational means or instrumentalities calculated to raise the standard of intelligence among the colored people incurred the opposition and enmity of a large class. And yet there were planters, broad-minded and philanthropic, who believed that the education of the freedmen was essential for the protection of society, and who were governed by a sense of justice and humanity in dealing with the laborers. Perhaps the fairest statement was made by ex-Governor Hahn in his Washington address. He did not believe that the majority of the Southern insurgents participated in the acts and feelings of vindictiveness to the friends of the colored man himself. "Many, very many, and, I trust, a large preponderance honestly accept the issues of the war and the results of their defeat; but others who manifest a contrary disposition, in some places already exhibit a formidable political power." And this power, believed to be in the minority, as in 1861, was able to determine the political action in all of the insurgent States, except Arkansas and Tennessee, in 1865. The candidates for State offices and Congress who had been true to the Union were almost universally defeated by men who could not take the prescribed oath of office, and who made no secret of their hostility to the government and people of the United States.[3]

[1] Report of General J. S. Fullerton, December 2, 1865, which is very favorable to the white people of Louisiana. He asserts that the black man had the same protection in the courts as the white.

[2] *Ibid.*, p. 2.

[3] *Report of Joint Committee on Reconstruction*, 1866, p. x.

These political leaders must have known that the act of July 2, 1862, prohibiting any person from holding any federal office, who had been directly or indirectly concerned in the rebellion, was yet unrepealed, and that if enforced the Congressional candidates they had chosen could not take their seats.

Such was the political situation in the insurgent States when the Thirty-ninth Congress assembled on the 4th of December, 1865. For the first time in the history of the United States was it possible and appropriate for a chaplain in addressing the throne of grace to use these words: "We praise Thee with thanksgiving that the statue of Freedom now looks down from our Capitol upon an entire nation of free men." [1] The House, overwhelmingly Republican, re-elected Mr. Colfax, who received 139 votes to 36 cast for James Brooks. The address of the Speaker was of an unusual character, and indicated the state of public feeling on the all-important subject of the restoration of the States lately in rebellion.

> Of Congress [he said] the duties are as obvious as the sun's pathway in the heavens. . . . Its first and highest obligation is to guarantee to every State a republican form of government, . . . to mature and enact legislation which, with the concurrence of the executive, shall establish them anew on such a basis of enduring justice as will guarantee all necessary safeguards to the people, and afford—what our Magna Charta, the Declaration of Independence, proclaims is the chief object of government—protection to all men in their inalienable rights. The world should witness, in this great work, the most inflexible fidelity, the most earnest devotion, to the principles of liberty and humanity, the truest patriotism, and the wisest statesmanship.

The Thirty-ninth Congress made history. It had to deal with the difficult and embarrassing questions which the secession of States and a four years' civil war had created, complicated by a serious disagreement between the executive and legislative departments. Few if any of its predecessors embraced in its membership so many men conspicuous for

[1] Prayer offered in the Senate by the Reverend Edgar H. Gray, *Cong. Globe.*

ability and character. Mr. Fessenden had returned to the Senate, to be again the colleague of Mr. Morrill. Trumbull, Sumner, Wade, Grimes, Sherman, Reverdy Johnson, Wilson, Chandler, Doolittle, Henderson, Anthony, Clark and Dixon had won recognition from the whole country by their ability and unselfish patriotism. Mr. Hendricks strengthened the Democratic side. In the death of Mr. Collamer the Senate lost a statesman of unusual powers and acquirements, whose judicial fairness won the respect and confidence of oppponents as well as friends. He was succeeded by George F. Edmunds, who rapidly rose to prominence. James Guthrie of Kentucky, who had served creditably as Secretary of the Treasury during the administration of Mr. Pierce, became the colleague of Garrett Davis. Richard Yates of Illinois, James Harlan of Iowa, Jacob M. Howard of Michigan, John A. J. Creswell of Maryland, Aaron H. Cragin of New Hampshire, were new members. La Fayette S. Foster of Connecticut was President of the Senate.

The venerable Thaddeus Stevens, saturnine, indomitable, cool and arrogant, but withal a lover of man, was the leader of the House. Justin S. Morrill, Henry L. Dawes, George S. Boutwell, Samuel Hooper, William D. Kelley, Samuel J. Randall, Elihu B. Washburne, George W. Julian and James Brooks were men who commanded attention and whose familiarity with legislative business made them valuable members. Roscoe Conkling had regained his seat, and numbered among his new colleagues Henry J. Raymond, the editor of the New York *Times*. James G. Blaine was just coming into prominence. Nathaniel P. Banks, after a creditable career as a soldier, resumed the seat he had left eight years before to become Governor of his State. Rhode Island was ably represented by Nathan F. Dixon and Thomas A. Jenckes. Rowland E. Trowbridge of Michigan, who had entered the Thirty-seventh Congress, had as a new colleague Thomas W. Ferry, who soon came into prominence. Burton C. Cook, Shelby M. Cullom and Jehu Baker were new members from Illinois. Halbert E. Paine and Philetus Sawyer of Wisconsin

were among the most useful of the members of this Congress. In the Iowa delegation were James F. Wilson, William B. Allison and John A. Kasson, of national reputation. General Lovell H. Rousseau and Green Clay Smith gave prominence to the Kentucky delegation. "Captain Samuel McKee, now of Mount Sterling," writes General Hayes in his diary, "represents sixteen of the hard mountain counties of northeastern Kentucky. He does n't travel on the Sabbath, plays no cards, neither drinks nor uses tobacco, and *is an Abolitionist! The war has done the work of centuries. Five years ago the same constituency would have voted to crucify him.*" "Ohio grew even stronger than before, and her delegation was again recognized as the leading one of the House," is the remark of Mr. Blaine.[1] General Robert C. Schenck, Samuel Shellabarger, John A. Bingham, Columbus Delano and Rufus P. Spalding were men of large experience and of national reputation. It is doubtful if any one State was ever before represented by so many men as keen and able in debate. James A. Garfield, also of the delegation, was pushing his way to the front as a speaker of great power. Surpassing these in the soundness of his judgment and self-poise, was Rutherford B. Hayes, who entered Congress for the first time. His tastes led him to prefer the council room to the arena of debate, and he never became quite reconciled to the noisy tumults of the popular branch of Congress.

The message of the President was largely devoted to reconstruction. It was a forcible exposition of the theory on which he had proceeded in the reorganization of civil government through provisional Governors appointed by himself. The alternative proposition of military governments he had rejected, as they "would have offered no security for the early suppression of discontent, would have divided the people into the vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection." While restoring civil government he had invited the rebellious States to participate in the high office of amending the Constitution.

[1] *Twenty Years of Congress*, vol. ii., p. 121.

Every patriot [added the President] must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion, and that on the other the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. . . . This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment . . . makes us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

This having been accomplished, it would remain for the States to resume their places in the two branches of the national legislature, and thereby complete the work of restoration.

In respect to the qualifications for suffrage in the rebellious States, the President did not think the general government should interfere, but should leave that matter where it was originally left by the federal constitution.

Every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely or introduced gradually and with conditions. In my judgment, the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the States than through the general government, even if it had power to intervene.

That power the President denied. The tone of the message was moderate and conciliatory, and if members of Congress had refrained from harsh criticism, an agreement on a common policy between the two branches of government might have been reached. A single sentence in the message should have caused members to pause and consider whether after all they were pursuing the course best calculated to promote the welfare of the freedmen. "I know," said Mr. Johnson, "that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform." The remark of a South Carolinian to a Union officer, that it ought not to be expected that the Southern people would change their convictions immediately, was construed as an evidence of contumacy and hatred of the government. The lapse of time has proved the injustice of the quick judgment. The South Carolinian was a philosopher. Men do not adapt themselves suddenly to radical changes. They grope their way with hesitating and uncertain steps, beset with apprehensions of possible disaster. They have to divest themselves of prejudices and old opinions gradually, before their minds can accept the new truth. Looking back over the experience and the political instruction of the Southern people as we have sketched them in these pages, must we not conclude that some persons were unwise in expecting a conversion as sudden as St. Paul's?

The fact being generally recognized that the rebellious States had lost their constitutional relations to the Union, it mattered little, said Mr. Stevens, with this admission whether they were regarded as out of the Union and as conquered provinces, or only as dead States in the Union, which was the President's view. The question in either case was, whose special duty was it to restore their existence —their political relations to the other States? In whom does the Constitution place the power? The answer was found by Mr. Stevens in the fourth article of the Constitution, which says: "New States may be admitted by the Congress into this Union."

Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts, and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new States, or remain as conquered provinces.

Congress, with the concurrence of the President,

is the only power that can act in the matter. But suppose, as some dreaming theorists imagine, that these States have never been out of the Union, but have only destroyed their State governments so as to be incapable of political action; then the fourth section of the fourth article applies, which says: "The United States shall guarantee to every State in this Union a republican form of government." Who is the United States? Not the judiciary; not the President; but the sovereign power of the people, exercised through their representatives in Congress, with the concurrence of the executive. It means the political government — the concurrent action of both branches of Congress and the executive.

The decision of the Supreme Court in Luther *vs.* Borden (7 Howard), before cited, certainly amply sustains this view of the case. The territorial view, held from the beginning by Mr. Stevens, simplified the work of reconstruction, if only the executive had accepted it.

The danger threatened by the manumission of slaves increasing the Congressional representation of the South had been pointed out by "Phocion" in the Cincinnati *Gazette* at an early day; again by John Stuart Mill in his letter to Judge Dickson, and a few weeks later it had received elaborate treatment by Mr. Sumner in his Worcester speech. In support of the resolution he offered in a caucus of the Ohio members to base representation on the franchise instead of population, General Schenck made an argument of such power as placed him at the head of that very able delegation. Mr. Stevens now declared that if the negroes were deprived of suffrage they should be excluded from the basis of representation. With an apportionment based on population the South would

be entitled to eighty-three Representatives; the colored people excluded, the white population would be entitled to forty-six seats in the House. By the adoption of this policy the right to prescribe the limitation of suffrage would remain with the States.

With the basis unchanged, the eighty-three Southern members, with the Democrats that will in the best times be elected from the North, will always give them a majority in Congress and in the Electoral College. They will at the very first election take possession of the White House and the halls of Congress. I need not depict the ruin that would follow. Assumption of the rebel debt or repudiation of the federal debt would be sure to follow. The oppression of the freedmen; the re-amendment of their State constitutions, and the re-establishment of slavery would be the inevitable result.

Mr. Stevens said that the principle should be first established, that none of the rebellious States should be counted in any of the amendments to the Constitution until they were duly admitted into the family of States by the law-making power of their conqueror. In the second place, it was time that Congress should assert its sovereignty and proceed in its own way to recreate and reinstate the conquered States (provinces) in the family of States and invest them with the rights of American citizens. Referring to the assertion of provisional Governor Perry and others that "this is the white man's government," he said that the sentiment was "political blasphemy, for it violates the fundamental principles of our gospel of liberty." This is man's government. "Equal right to all the privileges of the government is innate in every immortal being, no matter what the shape or color of the tabernacle which it inhabits." If equal privileges were granted to all, he should not expect any but white men to be elected to office for long ages to come. The prejudice engendered by slavery would not soon permit merit to be preferred to color. But it would be beneficial to the weaker races. "In a country where political divisions will always exist, their power, joined

with just white men, would greatly modify, if it did not entirely prevent, the injustice of majorities."

The speech of Mr. Stevens disturbed the administration, and the desire was expressed that some Republican should reply to it before Congress adjourned over the holidays. This duty fell to Henry J. Raymond, who was intimate with the Secretary of State. He discussed the problem of reconstruction in the light of the acts of President Lincoln and his successor. He controverted Mr. Stevens's theory. If there were no constitution of any sort in a State, no law, nothing but chaos, then that State would no longer exist as an organization. But the fact was that there was never any time during the rebellion when the Southern State organizations were destroyed. "A dead State is a solecism, a contradiction in terms, an impossibility." Secession was never accomplished, although attempted. The doctrine of Mr. Stevens would compel the acceptance, virtually and practically, of the right of a State to withdraw from the Union and to break up the Union at its own will and pleasure. Another consequence would be our inability to talk of loyal men in the South. "Loyal to what? Loyal to a foreign, independent Power, as the United States would become under those circumstances? Certainly not." Still another consequence of the doctrine would follow. "If that confederacy was an independent Power, a separate nation, it had the right to contract debts; and we, having overthrown and conquered that independent Power, according to the theory of the gentleman from Pennsylvania, would become the successors, the inheritors, of its debts and assets." Mr. Raymond held that the President had taken such action in the work of restoration as clearly belonged to the executive, and had left to the Congress the restoration of the judicial branch of the civil authority, and the determination of the representation of the States in their respective Houses.

Mr. Raymond said he should endeavor to act upon the whole question in the broad and liberal temper which its importance demanded. He would exact from the rebellious

States all needed and all just guaranties for their future loyalty to the Constitution and laws of the United States. He would impose upon them through the constitutional legislation of Congress, and by enlarging and extending the scope and powers of the Freedmen's Bureau, proper care and protection for the helpless and friendless freedmen. He would exercise a rigid scrutiny into the character and loyalty of the men whom they might send to Congress, before they should be allowed to participate in the high prerogative of legislating for the nation. He would seek to allay rather than to stimulate the animosities and hatred, however just they might be, to which the war had given rise. It was important to cultivate friendly relations: for the people of the North to seek to promote the interests of the South as part and parcel of their own. The clearness of his argument and the moderate spirit he displayed added to Mr. Raymond's reputation.

The debate was resumed after the recess. Mr. Spalding, representing the people of the Western Reserve, said they would be satisfied if the substance of the following propositions should be adopted: Extend a qualified right of suffrage to the freedmen in the District of Columbia; amend the Constitution in respect to the apportionment of Representatives and direct taxes among the several States of the Union, in such manner that "people of color" shall not be counted with the population making up the ratio, except it be in States where they are permitted to exercise the elective franchise; prohibit by express terms in the Constitution nullification and secession; prohibit by constitutional amendment the repudiation of the national debt, and the assumption by Congress of the rebel debt; provide in the Constitution that "no person who has at any time taken up arms against the United States shall ever be admitted to a seat in the Senate or House of Representatives in Congress." The policy of the Union party at this time was to leave the question of suffrage with the States. But representation should not profit by extensive disfranchisement. While supporting this, General Hayes declared that his decided preference was to make the suffrage

of all in the South—white and black—depend on *education;* and sooner or later in the North also—say all *new* voters should be able to write and to read.[1]

Mr. Shellabarger, in a speech which has never been surpassed in Congress in respect to the effectiveness of its argument, set forth with logical precision the status of the insurgent States during the war, the penalties incurred by rebellion, and the constitutional powers and obligations of the general government in the work of restoration. The question before Congress—by far the most momentous constitutional question ever considered by that body—was condensed and affirmed in the following sentence:

> It is under our Constitution possible to, and the late rebellion did in fact so, overthrow and usurp in the insurrectionary States the loyal State governments as that, during such usurpation, such States and their people ceased to have any of the rights or powers of government as States of this Union; and this loss of the rights and powers of government was such that the United States may and ought to assume and exercise local powers of the lost State governments, and may control the re-admission of such States to their powers of government in this Union, subject to and in accordance with the obligation to "guarantee to each State a republican form of government."

So compact is the argument that follows the statement of the question that to attempt to condense it would be to mar the work of a master. Brief reference to two or three points will show the character of the whole. Mr. Raymond had made the assertion that the Constitution "does not deal with States except in one or two instances, such as elections of members of Congress and the election of electors of President and Vice-President." This statement, which Mr. Shellabarger declared involved an amazing error both of fact and law, was quickly disproved by referring to fifty or more important provisions of the Constitution which deal with States as such. The purpose of the speaker in reciting these provisions clearly was to

[1] Hayes's Diary. *MS.*

show how baseless was the argument founded upon the assertion—made in 1860 and 1861, and repeated again and again—that the Constitution did not deal with States but individuals only, and that, therefore, not the States, but only individuals could lose their rights under such Constitution. He did show that the precise opposite was the truth.

I wanted to show [said he] that the very body, soul, life, and essence of the Constitution is penetrated, pervaded, and characterized by and with this recognition of the States, and of their high powers as such. I wanted to bring into view the momentous and controlling fact which disposes of this high constitutional question, that the States are not only "dealt with" by the Constitution, but that their powers as States in our government are absolutely vital. And I *separated* the obligations and restraints imposed upon the States and their officers from the conferments of rights and powers upon them, that it might appear to all men and to the very children who can read their Constitution that, in this marvellous great scheme of government, as in every other wise human government, as well as in God's, the enforcements of obligation are coupled with and inseparable from the enjoyment of rights; that prescribed qualifications for the attainment of power must be possessed and proceed, and are inseparable from the exercise of power. I wanted to show that there could be, under the Constitution, none of the rights or powers of a State where there were recognized none of the obligations or duties of a State.

If this recital did not prove that a State whose government and people were in actual hostility to the United States was not a component part of the Union, during the continuance of such rebellion, for the purpose of exercising *any* power, then it did prove that "Independence Hall was a madhouse from the 14th of May to the 17th of September, 1787; and that the madmen there succeeded in devising a framework of government embodying in it a larger number of separate and fatal instruments of self-slaughter than was ever combined in a government before, or than was ever dreamed by men who make Utopias, or by them who form governments in Bedlam."

The most deliberate acts of the government in all its departments during the war proceeded upon the assumption that these rebellious States had lost all the rights of States. And it was impossible to comprehend the action of Mr. Johnson in appointing provisional Governors, in prescribing rules for altering or amending constitutions, except upon the assumption that these State constitutions and their governments had not revived on the cessation of hostilities so *as to control the methods of their own amendment.* The President had dealt with this great question in the view that these old State governments were so effectually overthrown that they did not come into force at the end of the war so as to furnish the basis of republican governments to the States; and that it had become the business of the United States to guarantee such governments to them as were required by the fourth section of the fourth article of the Constitution. If the combined forces of the Constitution and of public law, the obvious dictates of reason, justice and common sense, and these enforced by the approval of repeated and unanimous judgments of the Supreme Court, could settle for our government any principle of its law, then was it established that organized rebellions were not "States," and that these eleven distinct treasons, which were organized into one and called "the Confederate States," had *no* powers or rights as States of the Union, nor had the people thereof.

Could these rebellious States regain their powers and rights as States by the mere cessation of war and the determination of the rebel inhabitants to resume the powers of States; or was the general government entitled to take jurisdiction over the time and manner of their return? The latter was the obvious truth. Otherwise there was not an hour during the rebellion when the powers of the government might not have been paralyzed simply by a cessation of hostilities and by Senators and Representatives taking their seats in the Congress. There was no escape from this conclusion:

If the United States has no power to decide, as a great and

sovereign people acting through their government, what shall be a "State" in her high Union, and cannot determine when, out of the wreck and ruin of old States, have been formed new republican States, based upon the only foundations upon which a republican State of this Union can be built, that of the general consent and loyalty of its people, then indeed is your government not so much as a "rope of sand." It is a monster compelled by the organic law of its life to terminate that life by self-slaughter. But such is not the law of its life.

Were not the new powers of government assumed by the rebellious States safe and fit? These were the stupendous facts on trial by the American Congress. By what standard of fitness, and what guaranties of safety, should Congress decide these facts on trial? By the standard described in language used by the President—"No State can be thoroughly organized which has not adopted irreversible guaranties for the rights of the freedmen."

Let this noble utterance [said Mr. Shellabarger]—*irreversible guaranties for the rights of American citizens of every race and condition*—be written with pen of iron and point of diamond in your Constitution. Let it thus be made "irreversible" indeed, by the action of the State, in the only way it can be made irreversible; and then, to establish this and every other guaranty of the Constitution upon the only sure foundation of a free republic—the equality of the people and of the States—make, by the same organic law, every elector in the Union absolutely equal in his right of representation in that renovated Union, and I am content.[1]

Both Congress and the executive were compromised by declarations made during the progress of the war, which each department found it convenient to disregard, now that the war was closed, in greater or less degree. In his famous despatch declining the insidious proposition of M. Drouyn de l'Huys to appoint commissioners to confer with commissioners of the insurgents, Mr. Seward remarked that the Congress

[1] *Cong. Globe*, 1st Sess., Thirty-ninth Cong., Jan., 1866.

furnished a constitutional forum for debates between the alienated parties; that seats were vacant, inviting Senators and Representatives "who may be constitutionally sent there from the States involved in the insurrection."

> If it be true, as has been almost universally assumed in the Northern States [said a distinguished statesman of Virginia a few days after the surrender of Lee], if it be true that the ordinances of secession were mere nullities and absolutely void, then the Southern States have never severed their connection with the United States—have never been out of the Union, and are therefore entitled *from the moment the war ceases*, to resume their position as members of the Union. [1]

This argument proceeded on the basis that the Union was composed of indestructible States; that all of the acts of rebellion were null and void; that when the belligerent power fell, opposition governments fell also, the people resumed their sovereignty, and it was made their duty to re-establish social order. The Southern people generally, after the collapse of the Confederacy, assumed a passive attitude, prepared to accept whatever form of government might be imposed on them by their conquerors. But not so the people of Augusta, Virginia. They held that the rights which had remained in abeyance during a state of war were immediately revived in full force and vigor on the cessation of hostilities, and that on their recognizing the authority of the Constitution of the United States, they were under its ægis and entitled to participate in all the benefits of the national government. How far any individual may have forfeited his rights was a question to be determined later. But the people of Augusta felt they could safely assume this to be the true doctrine: That a State in its political capacity cannot commit treason. "A State as a political community cannot incur forfeitures. Treason can only be committed by individuals, and the penalties can be inflicted on individuals only." [2] This was the central point of

[1] Speech of Alex. H. H. Stuart at a mass meeting of the people of Augusta, Va., May 8, 1865. Pamphlet, p. 11.

[2] *Ibid.*

the voluminous debate in Congress. The argument of the minority of the Committee on Reconstruction, written by Reverdy Johnson in the following year, was little more than an elaboration of this theory. The constitutional power of Congress to "call forth the militia," was not to subjugate the State within whose limits there was insurrection and to extinguish it as a State, said the Johnson report, but to preserve it as such by subduing the rebellion, by acting on the individual persons engaged in it, and not on the State at all. And in support of this argument, the opinion of Judge Sprague in the Amy Warwick case [1] was cited. The belief that the government after the rebellion was suppressed would have the rights of conquest—that a State and its inhabitants might be permanently divested of all political advantages, and treated as foreign territory conquered by arms — Judge Sprague held to be a grave and dangerous error. No nation makes a conquest of its own territory. The nation acquires no new sovereignty by suppressing insurrection, but merely maintains its previous rights.

This line of reasoning, which was followed by Mr. Raymond, called forth this comment from Mr. Shellabarger: Turned out of metaphysics into English, said he, every inhabitant of a State may, by treason, come to have *no* political rights or powers whatever as individuals except the right to be hanged; but the same individuals *en masse* called a body politic or State have *all* political rights and powers, and can govern this Union!

Now, a plain man would have difficulty in being able to see a living, acting, ruling State where there was no constitution, no court or law, and where there were no inhabitants, all these having been hanged for treason. Such a man would be dull enough to conclude that if you hanged for treason all the people required to make up the body politic called a State, the State would at least be in affliction.

It was unfortunate for this distinction between the political

[1] In the U. S. District Court of Massachusetts.

State and its people that it had frequently encountered the ordeal of the Supreme Court and been discarded by it. The distinction, said the court in the case of Penhallow *et al. vs.* Doane's Administrators,[1] is one

> I am not capable of comprehending. By a State forming a republic, speaking of it as a moral person, I do not mean the Legislature of the State, the executive of the State, or the judiciary, but all the citizens which compose that State, and are, if I may so express myself, integral parts of it; all together forming a body politic.

And in the judgment of the court in the "Prize Cases" (2 Black, 635), the language used to describe the act of the Southern people is explicit: "In organizing this rebellion they have *acted as States* claiming to be sovereign over all persons and property within their respective limits." This view was again expressed by the court in December, 1865.[2]

From these various decisions Mr. Shellabarger deduced these propositions: The eleven States acted as States in organizing the rebellion. All their citizens, innocent and guilty, were thereby made "enemies of the United States." Though they became "enemies," that did not make them "foreign" States so as that when taken back the United States would become responsible for their debts. The court decided that the United States might exercise over the Southern people both "belligerent" and "sovereign" rights. As these States became "enemies'" territory, and all persons residing within it became "enemies of the United States," they could not at the same time have been a people having any political rights to govern in the Union, unless this Union could be governed by a body of people, each and all of whom were held by its law to be the "public enemies of the United States."

In his highly interesting examination before the Recon-

[1] 3 Dallas, 53.

[2] 2 Wallace, 404. It was the unanimous opinion of the judges.

struction Committee Alexander H. Stephens expressed the opinion that, as the Congress of the United States did not consent to the withdrawal of the seceding States, those States had a continuous right under the Constitution of the United States, to be exercised so soon as they respectively made known their readiness to resume their former practical relations with the federal government. They had lost none of their rights under the Constitution, as States, when their people abandoned their attempt to dissolve the Union. He did not believe Congress had the rightful power under the Constitution to impose any condition whatever as a condition precedent to the resumption by the eleven rebellious States of their places as members of the Union.[1] The same objection, of course, would apply to conditions exacted by the executive. It was further objected that until the States should be restored to their former relations with the United States, Congress had no right to tax them for the support of the government, and that all legislation affecting their interests was, if not unconstitutional, at least unjustifiable and oppressive.

It must not be forgotten [was the language of the report of the majority of the Joint Committee on Reconstruction [2]] that the people of those States, without justification or excuse, rose in insurrection against the United States. They deliberately abolished their State governments, so far as the same connected them politically with the Union, as members thereof under the Constitution. . . . Whether legally and constitutionally or not, they did, in fact, withdraw from the Union, and made themselves subjects of another government of their own creation, and they only yielded when, after a long and bloody and wasting war, they were compelled by utter exhaustion to lay down their arms; and this they did, not willingly, but declaring that they yielded because they could no longer resist, affording no evidence whatever of repentance for their crime, and expressing no regret except that they had no longer the power to continue the desperate struggle. . . . The people waging it [this war] were

[1] *Report of Joint Committee on Reconstruction.* Testimony, p. 158, *et seq.*

[2] Known as *The Fessenden Report. Ibid.*, p. x., *et seq.*

necessarily subject to all the rules which, by the law of nations, control a contest of that character, and to all the legitimate consequences following it. One of those consequences was that, within the limits prescribed by humanity, the conquered rebels were at the mercy of the conquerors; that a government thus outraged had a most perfect right to exact indemnity for the injuries done, and security against the recurrence of such outrages in the future, would seem too clear for dispute. What the nature of that security should be, what proof should be required of a return to allegiance, what time should elapse before a people thus demoralized should be restored in full to the enjoyment of political rights and privileges, are questions for the law-making power to decide, and that decision must depend on grave considerations of the public safety and the general welfare.

The Johnson dissenting report denied the right of Congress to call in question the State governments formed under the auspices of the executive. Congress had no right to determine whether they were legally formed or not. Were they of a republican form, was the only question the Congress had a right to consider. Under the Constitution Congress may admit new States, but a State once admitted ceases to be within its control, and can never again be brought within it. Therefore the Johnson theorists argued that when hostilities ceased, all political rights of rebellious communities were at once restored; that the right of these people to be represented in Congress at any and all times, and to participate in the government of the country under all circumstances, admitted of neither question nor dispute.

If this is indeed true [was the comment of the Fessenden Report], then is the government of the United States powerless for its own protection, and flagrant rebellion, carried to the extreme of civil war, is a pastime which any State may play at, not only certain that it can lose nothing in any event, but may even be the gainer by defeat. If rebellion succeeds, it accomplishes its purpose and destroys the government. If it fails the war has been barren of results, and the battle may be still fought out in the legislative halls of the country.

Treason, defeated in the field, has only to take possession of Congress and the Cabinet.

To admit that a people who had defied the authority of the Union, who had refused to execute its laws, and abrogated every provision which gave them political rights within the Union, still retained through all the perfect and entire right to resume, at their own will and pleasure, all their privileges within the Union, and especially to participate in its government, and to control the conduct of its affairs,—to admit these propositions "would be to declare that treason is always master and loyalty a blunder. Such a principle is void by its very nature and essence, because inconsistent with the theory of government, and fatal to its very existence."[1] The right to inquire into the legality of the State governments formed under the auspices of the President was affirmed. The testimony taken proved that the constitutions formed had never been submitted to a vote of the people. The committee set forth the three following propositions, which formed the basis of the reconstruction legislation of Congress:

That the States lately in rebellion were, at the close of the war, disorganized communities, without civil government and without constitutions or other forms, by virtue of which political relations could legally exist between them and the federal government.

That Congress cannot be expected to recognize as valid the election of men from disorganized communities, which, from the very nature of the case, were unable to present their claim to representation under those established and recognized rules, the observance of which has been hitherto required.

That Congress would not be justified in admitting such communities to a participation in the government of the country without first providing such constitutional or other guaranties as will tend to secure the civil rights of all citizens of the Republic; a just equality of representation; protection against claims founded in rebellion and crime; a temporary exclusion from the right of suffrage to those who have actively participated in the effort to destroy the

[1] *Fessenden Report*, p. xii.

Union and the exclusion from positions of public trust of at least a portion of those whose crimes have proved them enemies to the Union, and unworthy of public confidence.

Congress moved with deliberation but unyieldingly in the work of securing such protection to the loyal people of the South as was possible through legislation. The questions were new and grave. There was disorganization, passion, pride and ignorance to deal with. There was the reaction which the antagonistic attitude of the President had invited, expressed in the freedmen's codes in many of the States, which had to be dealt with. This could be done effectually only by the destruction of the illegal governments which the President's plan had created. How should Congress proceed? The attitude of many leading citizens of the Southern States, who should have coöperated in the work of restoration, was defiant. "It were better," said one of these, "that Virginia should not legislate at all on this subject, than to do so under the direct and asserted authority of Congress."[1] And so it came to pass that those who should have been helpful adopted a policy of "masterly inactivity." In this connection the following letter from General Hayes to General Manning F. Force is of interest:

WASHINGTON, D. C., March 17, 1866.

Thanks for the items from Mississippi. I could argue with you on the wisdom and justice of what Congress is doing with our erring sisters if I knew exactly your points. The truth is, Congress has done next to nothing yet on that subject, and can give good reasons for not having done anything. The position held by the majority is this: The rebel States having gone into insurrection and lost their lawful State governments, it is for the law-making power of the nation to say whether such new State governments have been set up as ought to be recognized. Is not this sound? Granting this, ought we to recognize any State government which does not *under-*

[1] Argument of John H. Gilmer in the Senate of Virginia, Jan. 17, 1866. Pamphlet, p. 8.

take, at least, to afford adequate protection to Union people and freedmen? And further, is there evidence showing such State governments except in Tennessee and, possibly, Arkansas?

Congress had already passed a bill "to protect all persons in the United States in their civil rights and furnish the means of their vindication," which on the 27th of March incurred the President's veto. This measure declared that all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, were citizens of the United States—thus by a clear definition settling a vexed question which had received conflicting judicial interpretations. It declared that there should be no discrimination in civil rights or immunities among the inhabitants of any State or territory of the United States on account of race, color or previous condition of servitude; but the inhabitants of every race and color should have the same right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as was enjoyed by white citizens, and should be subject to like punishment, pains and penalties, and to none other, any law, statute or ordinance, regulation or custom, to the contrary notwithstanding. In a word, it secured to the enfranchised people the same civil rights, and made them liable to the same penalties, as fell to the lot of the whites. The United States District and Circuit Courts were opened to them, and all possible safeguards were provided to make this law effective.

That any intelligent and philanthropic persons should object to such a beneficent measure—that they should favor a discrimination in the race of life against those more poorly endowed—might well excite astonishment. The testimony of slaveholders was, that the negroes were, as a class, humble, faithful, confiding, law-abiding. "Such has been their nature in the past; such is their nature now," is the language heard in the Senate of Virginia and elsewhere in 1866. Were it not

well, then, to build upon this nature and not to seek to degrade it? The veto created general regret. The President had so often expressed a desire to secure to the freedmen the enjoyment of civil rights, that his approval had been assumed to be a matter of course. Senator Trumbull, the author of this bill, as well as of the measure to enlarge the powers of the Freedmen's Bureau, consulted the President freely before it was submitted to Congress and while it was passing through the various stages of legislation. Indeed, the bill was proposed to carry out what were supposed to be the views of the President, and the hope was expressed to him while it was under consideration in the House that if he had objections to any of its provisions he would make them known to its friends that they might be remedied. But he made no objection. He surprised them with a veto which widened the breach between the executive and the legislature.

The abusive language which Mr. Johnson early in the winter had applied to public men who refused to approve his policy had been overlooked. There were those who hoped for a restoration of cordial relations. Mr. Sherman made a conciliatory speech in January to promote that result. Therefore when the bill was returned to the Senate with a veto message, Mr. Trumbull said that the controversy which it gave rise to was one of the President's own seeking. It was made certain that he was determined to break with Congress and to go in search of new friends. It is possible that he believed that with the support of Mr. Seward and other Republican members of his Cabinet, he could carry with him the conservative Republicans and Democrats of the country, and found a new party which would be sufficiently powerful to revolutionize Congress. This was the desperate resolution of a pugnacious, wilful man.

The extraordinary character of the veto message drew this comment from Senator Trumbull: "Gladly would I refrain from speaking of the spirit of this message, of the dangerous doctrines it promulgates, of the inconsistencies and contradictions of its author, of his encroachments upon the consti-

tutional rights of Congress, of his assumption of unwarranted powers, which if persevered in and not checked by the people, must eventually lead to a subversion of the government and the destruction of liberty." What if this impassioned passage in the crushing arraignment of the President on the 4th of April, 1866, was employed to justify the ill-advised attempt to impeach Andrew Johnson two years later! The course of violent opposition to Congress which he had entered on was certainly persevered in to the end. While reading lectures to Congress for denying representation to the rebellious States, the President by his own fiat was breaking down the barriers of the State and making strides toward centralization. The Civil Rights Bill was passed over the veto by the requisite majority in each House, and thus became a law. Without this legislation, Mr. Trumbull remarked, the constitutional amendment proclaiming freedom to all the inhabitants of the land would prove a cheat and a delusion. Five Republican Senators—Mr. Cowan, Mr. Doolittle, Mr. Lane of Kansas,[1] Mr. Norton and Mr. Van Winkle—voted to sustain the President's veto. This defection increased the excitement, and doubtless confirmed the President in his purpose to abandon those who had elevated him to power. The Union men who went with him found it necessary to reverse themselves. Reverdy Johnson, to whom fell the unwelcome task of defending the veto, was involved in the most astounding inconsistencies. In replying to Mr. Trumbull he declared that the opinion of Judge Curtis in the Dred Scott case, "that citizenship of the United States consequent upon birth is to depend upon the fact whether the Constitution and laws of the State made the party so born a citizen of the State," had never been questioned. A fatal blunder! The Senator himself, on the 30th of January preceding, had said:

> Slavery abolished, why are not the negroes just as much citizens as

[1] It was said that Mr. Lane expressed regret for this vote, which separated him from the radical leaders, with whom he had uniformly acted. On the 11th of July, while temporarily insane, he committed suicide.

they would have been had slavery never existed? My opinion is that they become citizens, and I hold that opinion so strongly that I should consider it unnecessary to legislate on the subject at all as far as that class is concerned, but for the ruling of the Supreme Court [in the Dred Scott case].

And he went on to say that it was the duty of Congress to avoid the results of that decision, "by providing that these people, notwithstanding their African descent, shall be citizens of the United States now that they are free." And to perfect the Civil Rights Bill in accordance with his views of the responsibility of Congress he voted for this proposition: "All persons born in the United States, and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States without distinction of color." The discomfiture of the Maryland Senator when his record was rehearsed was greatly enjoyed by his fellow Senators.[1] The censure which the course of the dissident Senators invited expressed public sentiment in the Northern States. The Democratic convention of Pennsylvania on the 5th of March thanked Senator Cowan for "his patriotic support of the President's restoration policy," while two days later the Unionists in State convention earnestly requested him to resign as he had "disappointed the hopes and forfeited the confidence" of those to whom he owed his place.

The passing disappointment and exasperation of partisans is less worthy of attention than the widespread feeling of anxiety lest the disagreement in the government should open the way for bringing about a combination of disloyal elements sufficiently formidable to gain control of Congress. It was believed that such a result would seriously impair the national credit and prove otherwise disastrous. The duty plainly before Congress was to secure the public debt against the danger of repudiation through political changes; to pledge the faith of the government in recognition of the services of

[1] Debate in the Senate, April 4th and 5th, and particularly the remarks of Senator Trumbull. Also newspaper correspondence of the day.

the soldiers and sailors who had offered their lives as a sacrifice for the Union; to give adequate protection to the Southern loyalists, and to establish the principle in law of the equality of all classes. Various propositions were made for amending the Constitution, which received careful consideration in the Joint Committee on Reconstruction and in each House before such unanimity could be obtained as would insure final success.

There was great diversity of opinion as to a new basis of representation. We have seen that the "Ohio idea" was to provide that negroes should be counted in making up the ratio of representation only in States where they were permitted to vote. The educational qualification, adopted in caucus of Ohio members on motion of General Hayes, was abandoned. It was strenuously opposed by Mr. Shellabarger, Senator Wilson and other influential leaders. Mr. Sumner stood stoutly by the principle of manhood suffrage. The proposition submitted by Mr. Stevens on the assembling of Congress—"that representation shall be apportioned among the States which may be within the Union according to their respective legal voters, and for this purpose none shall be named as legal voters who are not either natural-born citizens of the United States or naturalized foreigners"—did not gain strength when subjected to the crucial test of debate. The suffrage part of the Ohio plan, as we shall see, was finally adopted as the basis of the Fourteenth Amendment. On the 8th of January, Mr. Blaine, in a brief speech, pointed out the serious defect of the proposition to make voters instead of population the basis of representation, and gave his support to the Ohio scheme.[1]

On the 15th Mr. Conkling offered a resolution, which was referred to the Joint Committee on Reconstruction, proposing

[1] *Cong. Globe*, 1st Sess., Thirty-ninth Cong. Mr. Blaine proposed to amend clause three of section two, article one, of the Constitution, so as to make it read as follows: "Representatives and direct taxes shall be apportioned among the several States . . . according to their respective numbers, which shall be determined by taking the whole number of persons except those whose political rights or privileges are denied or abridged by the constitution of any State on account of race or color." P. 141.

an amendment in two forms, the second of which was in the following words:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of citizens of the United States: *Provided*, That whenever in any State, the elective franchise shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation.[1]

This form was adopted substantially by the Reconstruction Committee in its first report, which finally failed of adoption. It is not necessary to follow the debate on it. The proposition was open to the fatal objection, as pointed out by Jehu Baker of Illinois, that it left any State of the Union perfectly free to narrow her suffrage to any extent, by imposing property and other disqualifying tests and so strengthening her aristocratic power over the people, provided only that she steered clear of a test based on race or color. Mr. Shellabarger declared that the moral teaching of the clause offended the free and just spirit of the age, violated the foundation principle of our own government, and was intrinsically wrong. On motion of Mr. Lawrence, the proposed amendment was referred back to the committee. January 31st Mr. Stevens, from the Joint Committee on Reconstruction, reported the proposition in new form, the last clause of which provided that "whenever the elective franchise shall be denied or abridged in any State on account of race or color, the persons therein of such race or color shall be excluded from the basis of representation."

This passed the House by a majority of almost three to one, but it failed in the Senate.[2] Mr. Sumner opened the debate in an elaborate speech in opposition. Mr. Fessenden replied, sharply criticising the Massachusetts Senator for his impracticable views. Mr. Henderson of Missouri made a notable

[1] *Cong. Globe*, p. 233.

[2] The vote was yeas 25, nays 22. A two-thirds vote was necessary.

speech and moved the following as a substitute for the committee's proposition: "No State, in prescribing the qualifications requisite for electors therein, shall discriminate against any person on account of race or color." Few, however, were ready for such a radical disregard of prejudice. The Reconstruction Committee had before it a plan devised by Robert Dale Owen, which proposed to repeal all confiscation laws; to remove all disabilities in the way of holding office from all persons compromised by rebellion except those who were in the actual service of the United States at the time of their secession; to restrict the basis of representation to suffrage until the 4th day of July, 1876, and which provided that after that date, the right of suffrage should be withheld from none on account of race, color or previous condition of servitude. The committee regarded this scheme favorably, but for reasons of political policy rejected it.[1] The Fourteenth Amendment as finally perfected, passed and sent to the President and incorporated in the organic law is a measure of such importance in the political history of the time as to justify a careful consideration of its provisions, which are as follows:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives

[1] "The members of the States of New York, Illinois and Indiana decided that for fear of its influence on the pending elections, it would not be safe to incorporate into the avowed policy of the party the idea of negro suffrage, even prospectively, at the end of ten years."—Wilson's *Rise and Fall*, vol. iii., p. 652.

in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The second section was not satisfactory to those who thought Congress should enfranchise the colored people, and not leave it discretionary with the States. The votes taken in the Senate showed that ten Senators were of that opinion. "If Congress can decree equality in civil rights," said Sumner, "by the same reason, if not *a fortiori*, it can decree equality in political rights." The basis of representation was held to be a proposition to the whites of the South that, if they would agree to reduce representation, the colored people should be subject to their control. It was declared to be an act of

"barbarism" which struck at the very principle of democracy; a scheme of cold-blooded treachery and ingratitude to a people who had contributed nearly two hundred thousand soldiers to the armies of the Union.[1] While it is true that the second section was a compromise, those who gave it their support undoubtedly believed that it would eventually work the enfranchisement of the freedmen in the States. There were members of the majority who believed that it would be unwise to take from the States the control of suffrage. A bold declaration in favor of colored suffrage would lose to the Union party the Northern States in whose constitutions the word "white" still held its place. It would lose to that party the control of the legislative department of government and leave uncompleted the work of making secure all that the loyal people had ventured in war. The reaction would prove fatal to the hopes of the radicals, who could not understand why the majority of the people of the country moved forward with hesitating steps.

President Johnson had spoken of the proposed amendment with characteristic freedom. He did not believe it necessary in order to secure political rights. If, however, an amendment was to be made to the Constitution, changing the basis of representation and taxation, he knew of none better than a simple proposition embraced in a few lines, making in each State the number of qualified voters the basis of representation, and the value of property the basis of direct taxation. An amendment of this kind would, in his opinion, place the basis of representation and direct taxation upon correct principles. It would remove from Congress all issues in reference to the political equality of the races. It would leave the States to determine absolutely the qualifications of their own voters with regard to color; and thus the number of Representatives to which they would be entitled in Congress would depend upon suffrage.[2]

[1] *Political Recollections*, by George W. Julian, p. 272. Mr. Julian voted for the amendment.

[2] Interview with Senator Dixon, of Connecticut. McPherson, 1866–7, p. 51.

The amendment was ratified by three States while Congress was yet in session—Connecticut, New Hampshire and Tennessee. When intelligence reached the capital of the action of Tennessee, Mr. Bingham moved a substitute for the joint resolution already before the House relating to the status of that State, which declared that as the

> State of Tennessee has in good faith ratified the Fourteenth Amendment and has also shown to the satisfaction of Congress, by a proper spirit of obedience in the body of her people, her return to due allegiance to the government, laws and authority of the United States; therefore, be it resolved, that the State of Tennessee is hereby restored to her former, proper, practical relations to the Union, and is again entitled to be represented in Congress by Senators and Representatives duly elected and qualified upon their taking the oaths of office required by existing laws.

The resolution was adopted by 125 *ayes* to 12 *noes*. The negative votes were cast by radicals. In the Senate which adopted the resolution on the 21st of July, the preamble was changed by inserting a clause declaring that "said State government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States." To this change the House consented. The President approved the resolution, but in a special message notified Congress that such approval was "not to be construed as an acknowledgment of the right of Congress to pass laws preliminary to the admission of duly qualified representatives from any of the States."

CHAPTER X

THE SOUTH REJECTS THE FOURTEENTH AMENDMENT—THE RECONSTRUCTION ACT

CONGRESS adjourned on the 28th of July, 1866.[1] During the session a large amount of business legislation was completed. The question of a return to specie payments, involving a contraction of the currency and a funding of the public debt in securities bearing a lower rate of interest, received some attention. Besides the ordinary expenses of the government provision would have to be made to take care of $1,201,890,607 of debt before the assembling of the Fortieth Congress.[2] The Secretary of the Treasury recommended that Congress declare that the compound-interest notes should cease to be a legal tender from the day of their maturity. Besides these notes he did not think that it would be necessary to retire more than one hundred or at most two hundred millions of United States notes to produce the contraction necessary to place the business of the

[1] Comment of Secretary Seward: "Congress has adjourned. Faction, although not entirely overthrown, has been held in check. Within the eight months that Congress has been in session, slavery has been extirpated throughout the United States. Peace has been completely restored and proclaimed in the Republic, and one of the eleven States that endeavored to rush out of the Union has been completely restored; while all the difficulty that remains, as to the ten others, is not whether they will cheerfully renew the allegiance, but whether the faithful shall be reconciled, and admit the recreants to return."—*Seward at Washington*, vol. iii., p. 333.

[2] This amount included the 7–30 bonds, for which the government might issue 5–20 bonds.

country upon a stable basis. Every day that contraction was deferred the difficulty of preventing a financial collapse increased. The Secretary also asked for authority in his discretion to issue bonds of the United States bearing interest at a rate not exceeding six per cent. and redeemable at the pleasure of the government, for the purpose of retiring not only the compound-interest notes, but the United States notes.

Mr. Sherman strenuously opposed this plan to contract the currency. The desire of himself and others was to advance the legal tender notes nearer to par with coin, but not to withdraw them. It was believed that the rising credit of the United States would bring them to par without injustice to the debtor, whereas their rapid withdrawal would add to the burden of debts and cripple all forms of industry. A bill was passed and became a law, April 12, 1866, which gave to the Secretary discretionary power to issue bonds, but which limited the retirement of notes to ten millions of dollars within the first six months and four millions of dollars a month thereafter. This authority to retire legal tenders proving ineffective, it was subsequently withdrawn.[1]

Meanwhile the political questions involved in reconstruction overshadowed all others. Two days after Congress adjourned the country was shocked by accounts of an act of atrocity in New Orleans, for which the mayor of that city was directly responsible. The legislative acts of Louisiana which established a system of slavery, and the wrongs done to the freedmen in the enforcement of labor contracts, were denounced by the loyal people. To remedy this condition of things it was proposed by those who, with the favor of Mr. Lincoln, formed the government of 1864 to remodel the constitution of the State. The convention which framed it and which had adjourned subject to the call of its president was reconvened by a proclamation issued by B. K. Howell, president *pro tempore*. But the consent of Governor Wells had been first obtained. The Lieutenant-Governor and Mayor John T.

[1] *Recollections of John Sherman*, vol. i., p. 378, *et seq.*

Monroe looked upon this proposed action as revolutionary. The flame of partisan feeling was fanned by the open denunciations of these officials. A rumor was prevalent in Washington before Congress adjourned that the convention was to be forcibly dispersed. It does not appear that the President took any action. General Baird was in command of the military force at New Orleans during the temporary absence of General Sheridan. When Mayor Monroe informed him that it was his purpose to disperse the convention General Baird told him that it was a very grave step for the friends of the President to take—to hang about his neck the responsibility of breaking up a convention sanctioned by the Governor, without knowing certainly that the President desired it. General Baird held his troops in readiness to move at a moment's notice, but he had the assurance that the peace would be preserved. He was intentionally deceived.

The convention assembled in the Mechanics' Institute at noon, July 30th. An hour later a procession of about one hundred colored men marched towards the hall, carrying an American flag. They had canes and every tenth man a pistol. As they crossed Canal Street there was trouble, and when they reached the Institute some brickbats were thrown by both sides. At this time there were from five to six hundred people in and around the hall. All of the company of colored men entered the hall with the flag, except about half a dozen. The police force of the city by concert appeared at the Institute. One of the officers got into an altercation with a colored man. A shot was fired. Then the whole police force began an indiscriminate firing through the windows into the hall. The people inside displayed a white flag, whereupon the firing from the outside ceased. The police rushed into the building and opened an indiscriminate fire upon the audience until they had emptied their revolvers, when they retired. Having reloaded their weapons, they returned and again fired into the peaceful and helpless mass of people. There was a desperate attempt to escape by the windows and door. The circle of policemen on the outside fired upon the fugitives. The mob

in attendance also fired upon them. Those who were arrested were not safe. The wounded lying upon the ground were stabbed and their heads beaten with brickbats. The total casualties numbered 214. Forty were killed and forty-eight severely wounded.[1] General Baird took military possession of the city. A Committee of congress subsequently reported as follows: "This riotous attack upon the convention, with its terrible results of massacre and murder, was not an accident. It was the determined purpose of the mayor of the city of New Orleans to break up this convention by armed force."

A fortnight later a convention to sustain the President was held in Philadelphia. The plan originated in the circle of Secretary Seward and friends in the closing days of June. The sunny disposition of this distinguished man kept him free of cabals and hopeful of effecting a reunion of the wisest men of all parties to bring about a permanent peace.

> The *forces* in the long run [said he] go with the *virtues*. The Christian precepts, although they may be denied, and refused for a time, ultimately are accepted by all men, equally in politics and elsewhere. Forgiveness to enemies—magnanimity to the conquered —equality to all. These are the maxims I am trying to inculcate upon the people. They resist; but the resistance will not continue.[2]

A great demonstration was to be made in the "City of Brotherly Love" on the 14th of August. The preparations were carefully made. A call signed by Mr. Doolittle and other well-known supporters of the administration invited loyal citizens of all of the States "favoring a speedy restoration of the Union" to assemble in convention at Philadelphia. The restoration, said Mr. Seward, was a national interest, the interest of the whole people. The convention might not succeed in inducing Congress to act, but it would be a lawful and patriotic attempt in the right direction.[3] This is represented as the real purpose of the originators of the movement. Perhaps there was an ulterior purpose in the minds of some who

[1] Official report of General Baird.

[2] July 25, 1866. *Seward at Washington.* [3] Letter to Senator Doolittle. *Ibid.*

possessed unusual skill in directing and controlling political forces.

The official relations of those most active in this movement secured for it in the Republican press the title of the "Randall-bread-and-butter Convention." Henry J. Raymond relates that at a caucus of Republican Congressmen Thaddeus Stevens submitted a resolution denouncing the Philadelphia movement, and reading out of the party any one who had anything to do with it. "The radicals are terribly excited." And then he expresses the fear that giving the Democrats half the delegates would damage the movement. "It allows the opposition to charge that the convention is designed to throw everything into Democratic hands."[1] Raymond did not feel inclined to attend the convention, as "it seemed likely to be in the hands of the former rebels and their Copperhead associates, and to be used for purposes hostile to the Union party," of which he was not only a member, but in which he held an official position, as Chairman of the National Union Committee. Mr. Seward did not see any impropriety in Raymond's attending at Philadelphia, as it was not to be a party convention. "Of course," he added, "the convention would fall into the hands of Copperheads, if all our friends deserted it." Seward carried Raymond off to see the President, who was advised of the apprehended danger. The President said it was important that the right direction should be given to the convention. His sympathies were with the party which had carried the country through the war. That party ought to restore the Union, and although it ought not to repel Democrats willing to act with it and aid it, he did not wish the Democratic party to get control. He wanted Congress to restore the Union. He thought the action of the Philadelphia convention would exert a wholesome influence on the local conventions and on the nominations for Congress.[2] And it was decided that Raymond should attend and write the address.

A glance at some of the newspapers of the day will throw

[1] Letter to Thurlow Weed. Barnes's *Life*, vol. ii., p. 452.

[2] Diary of Henry J. Raymond.

additional light on this political incident. The New York *World* distrusted the motive back of the call. The only point of interest on which new light was needed was the number of Republicans who endorsed the policy of the President, and the vigor with which they were willing to support it. It was known that the Northern Democratic party, and almost the entire voting population of the South, favored Mr. Johnson's policy. They did not need to make new professions. The *World* shrewdly counted upon the benefits of the President's services in disrupting the Union party. When the Democratic party should be revived and restored to power, there would be no further honor wasted on Andrew Johnson. On the other hand, the New York *Herald* favored the convention because it would bury the Democratic party out of sight—a party as dead as the old Whig party. Had not the *Herald* delayed the last rites of burial too long? A closer scrutiny of political events might have brought the conviction that President Johnson had failed to restore peace, but that he had succeeded as a resurrectionist in breathing life into the dry bones of the Democratic party lying in the Vale of Jehoshaphat.

The jubilation of the *Constitutional Union*, the secessionists' organ, over the prospect of the downfall of "radicalism," and the advice to the Copperhead faction to send representatives to Philadelphia, moved the New York *Times* to remind the country that the Randall–Doolittle call was a request to send only wise, moderate, conservative men. The intent of the call was to develop the conservative elements of the Union party, and to bring them into active coöperation with all other conservative elements of both sections. While the terms applied alike to conservative Republicans and conservative Democrats, they with equal force excluded Copperhead Democrats as well as the radical members of the Union party. It was evident that the Seward Republicans wanted to test the genuineness of Democratic professions. There was a pretty play of political tactics on both sides. While the Democratic members of Congress came to the rescue of the Seward men, and enjoined fellow Democrats to select "wise,

moderate conservative men" to represent them, they added that the convention was called "for great national purposes only." [1]

These Democratic Congressmen, who had been sustaining the President, professed to believe that the citadel of the liberties of the people was directly assailed, and that the future was dark unless the people came to the rescue. They had not been roused when eleven States rebelled and struck at the life of the Republic, because Abraham Lincoln was legally elected President; but now when guaranties were demanded that there should be no more attempts at secession, that life and property should be made secure, the public faith maintained, and all men made equal before the law, the Constitution was being trampled in the dust! Governor Brownlow of Tennessee looked at the matter from a different point of view. In his message to the Legislature of his State, convened in extra session to consider the Fourteenth Amendment, he expressed the opinion of a Southern Unionist. He begged the members to remember that while most of them had been loyal to the United States government, they represented a State the most of whose people went into rebellion, raised one hundred and fifty-four regiments, and sent them to the field to fight the national government; levied war against the United States for four years, and were finally conquered and reduced to the condition of inhabitants of a subjugated province, wholly at the mercy of the conqueror. By the law of nations and the laws of war, the general government had an undoubted right to prescribe terms to the State of Tennessee.

These terms have been prescribed, and are now presented for your acceptance or rejection. I have every assurance that when they are accepted, your Senators and Representatives will be admitted to

[1] An amusing incident occurred. Observing that the Blairs were engaged in the new movement, ex-Governor Wall of New Jersey, notorious for his hostility to the government in the war, addressed a letter to Montgomery Blair endorsing a speech the latter had made, and expressing surprise that it had taken him so long to find out the purpose of the fanatical men who supported the war to put down the rebellion!

their seats in Congress, and the State at once reclad with her long-lost rights. Are these terms reasonable? For my own part, they seem to me but the decree of political justice and equity made necessary by the result of rebellion.

Tennessee, loyal to the Union, was represented in the government on an equality with her sister States, with the exclusive right to control her own domestic concerns, subject only to the Constitution of the United States. She found that her rights and dignity were unimpaired by the act of giving the guaranties demanded by justice. It was different with the States dominated by the President.

On the 4th of July thirty thousand people, many of whom had laid down their arms a year before, celebrated the day at Salem, Illinois. They were addressed by Generals Sherman and Logan, and by Governor Oglesby. Agitated by the threatening aspect of affairs, the celebration took on the color of a great political revival. The course of Congress was unanimously and enthusiastically endorsed. The lesson of this and other similar demonstrations was not lost on the Johnson convention of August 14th. Mr. Vallandigham and Mr. Wood, who attended, and received tickets of admission, were politely informed that their absence would be regarded as an evidence of patriotism. The hint was taken, but it was notice that the mantle of charity would not be used to cover those who had the courage to avow sentiments which others, more discreet, had cherished less openly. The delegates in attendance were citizens of worth, many of them men of distinction. The more conspicuous leaders were Messrs. Browning, Cowan, Doolittle, Alexander W. Randall, Reverdy Johnson, Montgomery Blair, Samuel J. Tilden, Cornelius Wendell, Charles Knapp and Congressman Hogan of Missouri. General John A. Dix was temporary chairman of the convention. Senator Doolittle, as permanent chairman, gave the tone to the proceedings. The opening was spectacular. As the distinguished managers entered the wigwam (specially constructed for the occasion) in a body, the band played *Hail Columbia*. When

most of the delegates were seated, the Chair announced that the delegates from Massachusetts and South Carolina "will now enter arm in arm." As the delegations, headed by ex-Speaker Orr and Major-General Couch, entered, they were received with enthusiastic cheers and the strains of the tune of *Dixie*. When the description of this incident was telegraphed to Andrew Johnson, waiting expectant in the Executive Mansion, he wept tears of joy.

The Southern delegates in large part were men that formerly had not participated in political life. This was regarded as significant, "as showing that those who ruled before were looking to the President for restoration to power and not to the influence of true Union sentiment. The body, in a most important sense, was representative; not of the rebel majority in the South, it is true, but of that class which was formerly controlled by rebel leaders and is now seeking to disenthrall itself." [1]

The resolutions reported by Senator Cowan were patriotic, and committed the Democratic half of the convention to such Union sentiments as were denounced by the Chicago convention in 1864, and by the leaders of the party before and after that date. The closing sentences of the fifth resolution were in these words: "No State or combination of States has the right to withdraw from the Union, or to exclude, through their action in Congress or otherwise, any other State or States from the Union. The Union of these States is perpetual." So said Washington when submitting the Constitution to the thirteen States in 1787.

The resolution that the liberated slaves "should receive in common with all the inhabitants equal protection in every right of person and property," was the pledge of honorable men to see the end accomplished. It was what Congress was trying to secure through legislation. It was what Mr. Johnson did not secure in his reconstruction; it was what the Civil Rights Bill, which he vetoed, provided; it was what the

[1] Correspondence of General Henry V. Boynton in Cincinnati *Gazette*, Sept. 11th.

Democrats urged carried with it the right of suffrage.[1] Still something was gained in a public commitment to principles that the loyal men of the country had been contending for. There was an unfortunate lapse. The address of Mr. Raymond contained this passage, referring to the Congressional plan of reconstruction:

> No people has ever yet existed, whose loyalty and faith such treatment, long continued, would not alienate and impair, and the ten millions of Americans who live in the South would be unworthy citizens of a free country, degenerate sons of a heroic ancestry, unfit even to become the guardians of the rights and liberties bequeathed to us by the fathers and founders of this Republic, if they could accept with uncomplaining submissiveness the humiliation thus sought to be imposed upon them.

This was received with enthusiastic manifestations. A rereading of the passage was called for, and provisional Governor Perry of South Carolina moved the adoption of the address. The language quoted was strikingly like that heard in the South on the eve of the rebellion. One is not surprised, therefore, that it provoked the comment that "the address justifies and threatens another rebellion of the South, if Congress insists upon its terms."[2] President Johnson declared

[1] The Cincinnati *Gazette* asked: "Are all these Southern members and Northern Democrats converted to Union lambs that they joyfully declare the Union indissoluble, slavery perpetually forbidden, the rebel debt repudiated, and the national debt sacred; equal civil rights to the blacks and gratitude to the soldiers? None of them talk so at home. None of them feel so anywhere. But unless they can break the solid front of the Union party, the union of Northern and Southern confederates will still be in a hopeless minority. The only chance for them was to let the Johnson party control the convention, and give it the appearance of a Union movement, while the confederates gave it an appearance of numbers."

[2] "It was this part of the address alone that excited any emotion in the convention."—Cincinnati *Gazette*. The Southern press regarded the resolutions relating to the doctrine of secession and the rebel debt as highly offensive to the Southern people. But as the movement might help to divide or defeat the Republicans, the offence could be condoned: *Cf.* Richmond *Times*, Aug. 20th; the Petersburg *Index*, Charlottesville *Chronicle* and others. The New Orleans *Times* approved of all that was done at Philadelphia.

to the gentlemen who delivered to him a copy of the address that it was "a second Declaration of Independence," but "Declarations," said the Richmond *Enquirer*, "will no more bind men than the green withes bound Samson, or than packthread will bind behemoth."

It is evident that several members of the Cabinet understood the new movement to mean a revolution in Congress. They did not choose to follow in the way the President and the Secretary of State were driving. On the 11th of July William Dennison, Postmaster-General, resigned, and was succeeded by Alexander W. Randall of Wisconsin. Mr. Dennison had brought his department to a high state of efficiency, and on his retiring the country lost the services of a public servant of the best type as regards character and fitness. He was a conservative Republican, and while differing with Mr. Chase retained his confidence and friendship. A few days later Mr. Lincoln's early friend, James Speed of Kentucky, resigned his post as Attorney-General, and was succeeded by Henry Stanbery, a distinguished Ohio jurist, who within a few years had become a resident of Kentucky. James Harlan of Iowa, Secretary of the Interior, also retired, somewhat later. His place was filled by the appointment of Orville H. Browning of Illinois, who had been much attached to Mr. Lincoln. The President could not have called to his Cabinet purer or more distinguished advisers than Messrs. Stanbery and Browning. Their ability had long been recognized.

The sententious remark made by Mr. Stanbery in 1863, that the Constitution was made for the Union and not the Union for the Constitution, will be recalled. Now that the war was over, his Whig training and habits as a lawyer led him to act with caution. Mr. Browning was never quite reconciled to Mr. Lincoln's course during the war. He and Thomas Ewing drifted towards Democracy during the days of reconstruction. Each had a horror of radicalism. Mr. Ewing stated with great clearness the doctrine of the continued right of the rebellious States to representation in Congress. After setting forth the

proposition that the laws of the United States, enacted in pursuance of the Constitution, are permanent; and that during the entire contest all of the States, notwithstanding their ordinances of secession, were in the Union, he added:

> It follows, then, as a necessary consequence, that even in the heat and violence of the rebellion, the States in which rebel violence most prevailed were each and all of them entitled to their representation in Congress. It cannot, therefore, be rationally contended that the States in which the rebellion has been suppressed, the ordinances of secession rescinded and annulled, and the power of the Union acknowledged, can be denied their representation, because they have been for a time controlled by men in a state of revolt, since that very condition, while it existed, did not deprive them of the right of representation.[1]

President Johnson wanted Congress to restore the Union, but he would first make Congress dance to his piping. Hence the campaign which began with the Philadelphia convention and ended with a speaking tour. The first public response of importance to the opening of the Johnson campaign was a grand Union meeting at Reading, Pennsylvania, August 22d. John W. Forney was the principal speaker. The state of feeling found expression in a resolution which referred to Andrew Johnson as "the man made President by J. Wilkes Booth." It declared the true intent of his policy to be

> to resurrect from oblivion and disgrace the Democratic party, which for its treasonable course during the war, was consigned to the tomb of everlasting infamy and shame; and we believe that the success of said policy would turn back the wheels of progress a generation in our country's march to greatness and glory.

The scenes of the Johnson convention were soon eclipsed by a political demonstration which occupied Philadelphia for five days, beginning on the 3d of September. The streets were made brilliant by the profuse display of the national flag

[1] Letter to O. H. Browning.

and of flowers. The air resounded with the music of marching bands. There was an outpouring of popular enthusiasm. Speech-making, of course, occupied many hours and entertained countless thousands. Camp-fires were a feature beside which the heroes of battle-fields lingered, often until the dawn of another day. Southern loyalists had invited representatives of the North to meet them here for consultation. They believed the course of the President was crushing out the loyalists whom it was Mr. Lincoln's policy to encourage and sustain. Prominent among those who appeared from the South were Governor A. J. Hamilton, George W. Paschal and Lorenzo Sherwood of Texas; Governor Brownlow, Joseph S. Fowler, General John Eaton, Horace Maynard, Barbour Lewis, Thomas H. Benton and A. W. Hawkins of Tennessee; ex-Attorney-General Speed and Dr. Robert J. Breckinridge of Kentucky; Governor Fletcher and Messrs Van Horn, Fincklenberg, Gottschalk and Fox of Missouri; Thomas J. Durant and H. C. Warmoth of Louisiana; Governor Boreman, A. W. Campbell and Nathan Goff of West Virginia; George W. Somers, John Minor Betts, Daniel H. Hoge, Lucius H. Chandler and James M. Stewart of Virginia; Senator Creswell, Francis Thomas and C. C. Fulton of Maryland; G. W. Ashburn of Georgia; D. H. Bingham, and M. J. Safford of Alabama. The delegations from North Carolina and Virginia were large.

Among the Northern delegates were Senators Wade, Trumbull, Sumner, Wilson, Harlan, Lane, Williams, Howe, Morgan and Harris. Besides her Senators, Massachusetts sent Governor Bullock, General Butler and all her living ex-governors. Connecticut was similarly represented. Governor Morton was present from Indiana, and was accompanied by other distinguished citizens. Carl Schurz and Senator Chandler represented Michigan. The senior Senator of Ohio was accompanied by Generals Hayes, Schenck and Garfield; Judge Stanley Matthews and Frederick Hassaurek, the brilliant editor of the Cincinnati *Volksblatt*. Horace Greeley and John Jacob Astor attended from New York. Simon Cameron and representa-

tives from every Congressional district of Pennsylvania were present.

The delegates from all the States first met in Independence Square and after speeches of welcome and congratulation, separated. The Southern delegates, who were convened in National Hall by themselves, were called to order by Mr. Durant. Ex-Attorney-General Speed was made permanent chairman. On account of his having been a member of the Cabinet of President Johnson as well as of that of the lamented Lincoln, the people listened to his remarks with keen interest. He spoke of Mr. Johnson as the "tyrant of the White House" who exacted abject submission to his commands, and of the loyal Congress as the bulwark of American liberty. He adjured the Southern delegates to take a firm stand.

> Speak the truth [said he] as you feel it, speak the truth as you know it, speak the truth as you love permanent peace, as you may hope to establish the institutions of this government so that our children and our children's children shall enjoy a peace we have not known.

The address of the Southern convention was read by Mr. Creswell. It was in the form of an appeal from "the loyal men of the South to their fellow citizens of the United States," and was a terrible arraignment of the administration.

> If you fail us [it declared] we are more truly deserted and betrayed than if the contest had been decided against us, for in that case, even victorious slavery would have found profit in the speedy pardon of those who had been among its bravest foes. Unexpected perfidy in the highest place of the government, instantly followed by one who adds cruelty to ingratitude, and forgives the guilty as he proscribes the innocent, has stimulated the almost extinguished revenge of the beaten conspirators; and now the rebels who offered to yield everything to save their own lives, are seeking to consign us to bloody graves. Where we expected a benefactor, we find a persecutor. Having lost our champion we return to you, who can make Presidents and punish traitors. Our last hope under God is

the unity and firmness of the States that elected Abraham Lincoln and defeated Jefferson Davis.

The best statement of our case is the appalling yet ungracious confession of Andrew Johnson, who, in savage hatred of his own record, proclaims his purpose to clothe four millions of traitors with the power to impoverish and degrade eight millions of loyal men. Our wrongs bear alike on all races, and our tyrants, unchecked by you, will award the same fate to white and black. We can remain as we are only as inferiors and victims. Till we are wholly rescued there is neither peace for you nor prosperity for us. We cannot better define at once our wrongs and our wants than by declaring that since Andrew Johnson affiliated with his early slanderers and our constant enemies, his hand has been laid heavily upon every earnest loyalist in the South. History, the just judgment of the present, and the certain confirmation of the future, invite and command us to declare that after neglecting his own remedies for restoring the Union, he has resorted to the weapons of traitors to bruise and beat down patriots; that after declaring that none but loyal men should govern the reconstructed South, he has practised upon the maxim that none but traitors shall rule; that every original Unionist in the South who stands fast to Andrew Johnson's covenants from 1861 to 1866 has been ostracised; that he has corrupted the local courts by offering premiums for the defiance of the laws of Congress, and by openly discouraging the observance of the oath against treason.

That while refusing to punish one single conspicuous traitor, though great numbers have earned the penalty of death, more than one thousand of Union citizens have been murdered in cold blood since the surrender of Lee, and in no case have their assailants been brought to judgment; that in every State south of Mason and Dixon's line his policy has wrought the most deplorable consequences, social, moral and political. It has emboldened returned rebels to threaten civil war in Maryland, Missouri, West Virginia and Tennessee, unless the patriots who saved these States to the old flag surrendered before their arrogant demands. It has corrupted high State officials elected by Union men and sworn to enforce the laws against returned rebels, and made them the mere instruments of the authors of the rebellion. It has encouraged a new alienation between the sections, by impeding emigration to the

South, and has erected a formidable barrier against free and friendly intercourse in the North and West.

While declaring against the injustice of leaving eleven States unrepresented, Andrew Johnson has refused to authorize the liberal plan of Congress, simply because they have recognized the loyal majority and refused to perpetuate the traitor minority.

That a system so barbarous should have culminated in the frightful riot of Memphis, and the still more appalling massacre of New Orleans was as natural as that a bloody war should flow from the teachings of John C. Calhoun and Jefferson Davis. Andrew Johnson is responsible for all these unspeakable cruelties, and as he provoked so he justifies and applauds them, sending his agents and emissaries into this refined and patriotic metropolis to insist upon making his reckless policy a test upon a Christian people.

Resolutions, fourteen in number, were read by Governor Hamilton of Texas. The one of greatest importance declared, "That the organizations in the unrepresented States, assuming to be governments, not having been legally established, are not legitimate governments until recognized by Congress." The resolutions and address undoubtedly exerted a powerful influence in keeping the whole North faithful to Congress. After the Northern convention had concluded its proceedings on the third day, there was held a monster mass meeting, which was addressed by several of the distinguished delegates. Speeches, remarkable for their eloquence, and calculated to excite the enthusiasm of the whole North, were made by Miss Anna Dickinson and Frederick Douglass.

"The continued absence of ten States in Congress," the Republicans of New York in State convention declared, "is due to their refusal to adopt certain changes in the basis of representation and the equality of States in Congress. A demand to enter without is demanding increased political power after the bloody attempt to dissolve the Union." This opinion was generally prevalent throughout the North. The people were resolute in sustaining Congress. The Union members of the Thirty-ninth Congress were generally renomi-

nated for the Fortieth. When changes were made greater strength was gained. In Indiana Thomas N. Stillwell of the Eleventh District, who had supported the President, was rejected and General John P. C. Shanks nominated in his stead. Like action was taken by the Republicans of the Eighth Ohio District, who nominated Cornelius S. Hamilton in place of James R. Hubbell. This was the only change by the Republicans of the State.

The presidential excursion failed in its political purpose. It is inconceivable how personal friends, knowing the combative nature of Mr. Johnson, could have consented to a tour which involved speaking to all kinds of people at a time of such intense political excitement. The spectacle of the executive of the nation bandying words with a mob at Cleveland or St. Louis filled all good people with a sense of shame. The highest office in the Republic was brought into contempt. Mr. Johnson's Secretary of the Treasury in his *Recollections*, has vindicated him from the charge of intemperance, and set forth his claims as an executive of a high order of ability. His official papers are well written and dignified. In speech he was truly unfortunate. In tact he was utterly deficient. He was brave, and reckless when roused.

Unfortunately for himself, such was his temperament that he could not restrain his disposition to repel by intemperate speeches the attacks that were made upon him. He seemed to forget what was due to his station—to be unmindful that he had been lifted out of the political arena in which he had been so long a combatant.

The excursion party consisted of the President, Secretary Seward and other members of the Cabinet, General Grant, Admiral Farragut, Mr. Romero, the Mexican Minister—altogether a party of thirty or forty, of whom several were ladies. Great crowds of people met them everywhere and there was no lack of entertainment and cordial hospitality. Great curiosity was manifested by the people to get sight of the General of the army and the famous naval hero, but they

modestly kept in the background. The party arrived in New York on the 29th of August. The speech made by the President in that city was a dignified defence of his policy, which was based on the doctrine that no State could secede. He referred in terms of severity to the policy of Congress, which practically assumed and declared that the government was dissolved and the States were out of the Union. Would the American people submit to this doctrine after having once declared that it had no justice or right? Were they prepared, after the immense amount of blood that had been shed, and after having accumulated a debt of over three thousand millions of dollars, to continue this disrupted condition of the country? The Southern people had expressed a readiness to accept the terms offered by the President. "Do we want to humiliate and degrade them, and tread them in the dust? I say this, I do not want them to come back into the Union a degraded and debased people. I want them to come back with all their manhood; then they are fit, and not without that, to be a part of the United States." These thoughts were elaborated. At Cleveland and elsewhere he was betrayed into great intemperance of speech by being charged with having deserted the party that elected him; he even went so far as to declare that he cared not for dignity. At St. Louis, when wrought up to a high state of excitement, he made a defence of the New Orleans massacre. Every drop of blood that was shed, he declared, was upon the skirts of the radical Congress.

There was a studied effort at each place to ally General Grant with the Johnson administration. "I thank God," said the President, alluding to the general in New York, "that if he is not in the field, militarily speaking, he is civilly in the field on the other side"—that is, in opposition to Congress. An attack of illness afforded General Grant an excuse for remaining in Chicago. To a friend he remarked that he had become a member of the party at the President's request. Neither Mr. Seward nor any other person, he continued, could commit him to any set of political opinions. He was annoyed at the successive attempts made by Mr. Seward and others to

announce to the people along the road that his political views were in harmony with those of Mr. Johnson.[1] The lack of soldier support was keenly felt by the administration. An attempt was made to secure it through a national convention called to meet in Cleveland on the 17th of September. A few well-known officers of the volunteer service attended. There were present Generals McClernand, Rousseau, Steedman, Thomas Ewing, Jr., Denver and Gorman, and from the regular army, Generals Granger and Custer. The country was not impressed by this display.

At Pittsburg on the 25th and 26th of September the volunteer soldiers and sailors of the country gave expression to their political views. The attendance was very large; the proceedings impressive. A majority of the prominent officers of the convention were privates and non-commissioned officers. L. Edwin Dudley, a private soldier, was temporary chairman. General Jacob D. Cox, on being made permanent chairman, said:

> The citizen soldiery of the United States recognize the Congress of the United States as the representative government of the people. . . . We have expressed our faith that the proposition which has been made by Congress for the settlement of all difficulties in the country is not only a wise policy, but one so truly magnanimous that the whole world stood in wonder that a people could, under such circumstances, be so magnanimous to those whom they had conquered. And when we say we are ready to stand by the decision of Congress, we only say as soldiers that we follow the same flag and the same principles which we have followed during the war.

The resolutions read by General Butler expressed this view. It was "unfortunate for the country that the propositions contained in the Fourteenth Amendment have not been received with the spirit of conciliation, clemency, and fraternal feeling in which they were offered, as they are the mildest terms ever granted to subdued rebels." This convention truly represented the spirit of the people.

[1] Chicago *Tribune*.

In remarks attributed to Montgomery Blair, and in an editorial of the New York *Times*, before the Congressional elections, many thought there lurked evidence of a revolutionary purpose, on the part of the administration, in a certain contingency. The case was put by the *Times* as follows:

> Suppose that members elected from the Southern States should meet in December, 1867, and be enough (added to Northern members who believe in their right to representation, and who would meet with them) to constitute a quorum; and suppose the Northern members who do not believe the South entitled to representation, and who would not meet with them, should meet by themselves, constituting less than a quorum of the whole number. The President will be under the necessity of recognizing one or other of these bodies as the valid, constitutional House of Representatives. He must send his message to one or the other. He must sign bills passed by one or the other. And under the circumstances assumed, there can be very little doubt, in view of his known opinion on the subject, that President Johnson will recognize the numerical quorum as the only body authorized by the Constitution to make laws for the United States. The Senate on the contrary will recognize a majority of members from all the States but ten, even if they are a minority of the whole, as the real Congress, and as clothed with all the powers of legislation. Here certainly is danger of a collision of authority.

The Richmond *Dispatch* thought this hope of the President a weak one. The people settled all doubt by giving to each House of Congress a majority of more than two-thirds opposed to the administration. First Maine and Vermont, and then the great October States—Pennsylvania, Ohio, Indiana and Iowa—condemned the administration by decisive majorities. In Pennsylvania, John W. Geary was elected Governor by a majority nearly as large as that received by Mr. Lincoln in 1864. In Ohio, William Henry Smith was elected Secretary of State by a majority of forty-three thousand, and all but three Congressional districts were carried by the Unionists. The popular majority in the doubtful State of Indiana was

nearly fifteen thousand. The Republicans secured a majority of thirty-two on joint ballot in the Legislature, which insured the election of Oliver P. Morton to the United States Senate. The Democrats succeeded in only three Congressional districts. In Iowa every district was carried and the popular majority was thirty-six thousand for the Republican State ticket. These early successes only rendered more certain the triumph of the Union party in November. In Connecticut General Joseph R. Hawley was elected Governor over James E. English, the Democratic leader. New Jersey also went Republican. In New York Governor Fenton was re-elected by an increased majority, while two-thirds of the Congressional districts were carried by the Republicans. In West Virginia Governor Boreman was re-elected and three Republicans sent to Congress. Illinois elected John A. Logan Congressman-at-large by fifty-six thousand majority. Michigan sent a solid Republican delegation to Congress, while in Wisconsin the Democrats were successful in only one district. The returns from the Pacific coast States were equally emphatic in condemnation of the administration. The net Union majority in nineteen States was 404,000 votes.

It was believed that had the Democratic Johnson party succeeded in this election the Fourteenth Amendment to the Constitution would have been defeated, the Southern loyalists would have been persecuted, and the colored people subjected to discriminating civil codes and deprived of the means of education and advancement in civilization. Thus in ten States formerly given over to slavery we should have had a pariah class of population numbering about four millions—a condition incompatible with the genius of republican government. From this evil the country was rescued by the solidarity of the loyal States.

The President's message of the 3d of December was chiefly devoted to a *résumé* of the acts of the executive relating to reconstruction, and of the record of the Union party from the beginning of the war. It was urged that the course of Congress in excluding representatives of the rebellious States

and in imposing conditions after peace had been declared was not only without warrant in the Constitution, but contravened the former declarations solemnly made. The criticism of the course of Congress was calm and dispassionate. Its style and method are the style and method of Seward, not of Johnson. Between these two there was agreement, and therefore it does not matter whose the hand that wrote the message. Unfortunately, the tone of conciliation did not enter into the acts of the President. When the message declared that the President knew of "no measure more imperatively demanded by every consideration of national interest, sound policy and equal justice, than the admission of loyal members from the now unrepresented States," the sentiment found a response in the heart of every member of the legislature. The restoration of the States with loyal men to represent them and "equal justice" open to all of their inhabitants was a consummation they devoutly wished. They could say with the executive that such a result would tend greatly to renew the confidence of the American people in the vigor and stability of their institutions; that "it would bind us more closely together as a nation, and enable us to show to the world the inherent and recuperative power of a government founded upon the will of the people and established upon the principles of liberty, justice and intelligence."

If Congress had had the support of the President, other States would have been restored besides Tennessee. But the power and influence of the executive department were employed to defeat restoration through Congress. The ten States promptly rejected the Fourteenth Amendment. There were intelligent Southerners, however, who doubted the wisdom of the act rejecting the conditions of the Fourteenth Amendment. Governor Parsons of Alabama seems to have been one of these. He advised the President that the vote on the amendment in the Alabama Legislature might be reconsidered, if assured that Congress would pass an enabling act admitting the State to representation. The reply of the President was in these words:

What possible good can be obtained by reconsidering the constitutional amendment? I know of none in the present posture of affairs, and I do not believe the people of the country will sustain any set of individuals in attempts to change the whole character of our government by enabling acts or otherwise. I believe, on the contrary, that they will eventually uphold all those who have patriotism and courage to stand by the Constitution and who place their confidence in the people. There should be no faltering on the part of those who are honest in a determination to sustain the several co-ordinate departments of the government in accordance with its original design.

This correspondence was not given to the public, but came to light in investigations subsequently made.[1] The President resolved to override the legislative department of the government.

The rejection of the Fourteenth Amendment by the ten unrepresented States left Congress in a dilemma. An effort had been made to restore the rebellious States by coöperation with their people, and it had failed. They had been asked to agree to the proposition that every person born or naturalized in the United States was entitled to the equal protection of the laws in the enjoyment of life, liberty and property. They refused. They were asked to agree to equal representation—to a reduction of representation so long as the vast colored population remained disfranchised. This left suffrage under their control and left with them also the power to increase their votes in Congress and the electoral college at will. They refused. They were asked to accept as just and right the exclusion from office of such citizens as had violated the oath to support the Constitution, by leaving their positions and engaging in rebellion. This they refused, notwithstanding Congress retained the power to remove such disability. They were asked to affirm the validity of the public debt of the United States, authorized by law, and to renounce all purpose to pay any debt or obligation incurred in aid of insurrection against the United States. This reasonable

[1] McPherson, 1868.

condition met the fate of all the rest. There was a purpose to refuse all guaranties. Congress was no more unyielding than they. As it was certain that the contest with the President was to be a stubborn one, the first step taken was to limit the executive power in appointments to office and removals therefrom. On the 3d of December Mr. Stevens brought the subject to the attention of the House. After discussion in both branches the Tenure-of-Office Bill was perfected and passed. It provided in effect that the President should not remove from their places civil officers whose terms of service were not limited by law, without the advice and consent of the Senate of the United States. It was also provided that Cabinet officers should hold their offices during the term of the President who had appointed them, and for one month thereafter, subject to removal by and with the advice and consent of the Senate. Officers suspended during a recess of the Senate were to be restored if the Senate failed to approve of such suspension.

The President returned the bill unsigned, accompanied by a veto message, which doubtless was prepared by Attorney-General Stanbery. It is an admirable historical summary of the whole subject. It showed that the question presented by the bill had been "settled by construction, settled by precedent, settled by the practice of the government, and settled by statute." In the very beginning of the government it was affirmed by Congress that the power of removal was in the President without any coöperation of the Senate. This view, says Chancellor Kent,

> is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of the department because he is invested generally with the executive authority, and the participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty and might often be requisite to fulfil it.

The bill became a law by receiving the requisite majority in each House. It proved fruitful of embarrassments, and is an illustration of the unwisdom of resorting to temporary expedients in legislation. Having once been clothed with extraordinary power, the Senate did not fail to find a way to participate in the distribution of offices. "Senatorial courtesy" (dictation) became a part of our civil service system.

Legislation for equal suffrage in the District of Columbia and in the territories prepared the way for a new departure in reconstruction. In his veto message accompanying the return of the District of Columbia bill, the President said that it could not be urged that the proposed extension of suffrage in the District was necessary to enable persons of color to protect either their interests or rights. Their status was precisely the same as the status of people of color in Pennsylvania and Ohio. As a general rule, sound policy requires that the legislature should yield to the wishes of a people, when not inconsistent with the Constitution and the laws. At a special election held in Washington in December, 1865, in a vote of 6556 only thirty-five ballots were cast for negro suffrage. If the question were one levying a tax on property, said Mr. Sherman, in reply, or one affecting the people of the District alone, the Congress ought to defer to their wishes. But this was not the question. If legislative power should be conferred upon the people of the District, no authority would be given to them to say who should vote. It was peculiarly a question for Congress—the supreme legislative authority in the District—to determine. To say that the white people should vote for the black was simply saying that the black people had no rights whatever which the white people were bound to respect. The bill was passed over the veto and became a law on the 7th of January, 1867. An effort was made by Senator Willey of West Virginia to incorporate in the bill the qualification of intelligence, but the strenuous opposition of Mr. Wilson, who was the consistent champion of manhood suffrage, and of others, defeated it. They believed that there was an educating and civilizing influence and a protective virtue in the ballot.

The bill for the admission of Nebraska, which failed at the previous session, was taken up on the 14th of December, on motion of Mr. Wade. Mr. Brown of Missouri offered an amendment in the form of a proviso, that the act should not take effect except upon the fundamental condition that within the State there should be no denial of the elective franchise or of any other right on account of color or race, but all persons should be equal before the law. Thereupon a debate sprang up which lasted until the holiday recess. The Ohio Senator insisted that it was unfair, after the people of Nebraska had complied with the enabling act of 1864, to make an additional condition. The right to fix the status of the elective franchise had thus far been left with the States. In the constitutional amendment passed at the previous session it was left even to the forfeited States to regulate it for themselves, the only restriction being that they should not have political power for those of their population whom they excluded from the right of voting. Mr. Sumner was determined that the bill should not pass without a change in the suffrage requirement. After the recess his persistency was rewarded. The principle of impartial suffrage was incorporated not only in the Nebraska bill, but also in the bill for the admission of Colorado. Both incurred the presidential veto. The political policy of increasing the Republican majority in the Senate was not a sufficient justification in the opinion of some Senators for passing over the veto the bill for the admission of Colorado, and it failed of a two-thirds vote. But the rapidly growing population of Nebraska seemed to justify the admission of that territory into the Union of States. The argument of the veto message was the same as in all cases where Congress departed from precedents of the past in affixing conditions. By the Brown amendment to the original bill, Nebraska could not be admitted except upon the fundamental condition that within the State there should be no denial of the elective franchise, or of any other right, to any person by reason of race or color, except Indians whose status was that of aliens. This, the President declared, was neither more nor less than the assertion of the right of

Congress "to regulate the elective franchise of any State hereafter to be admitted"—a condition in clear violation of the Constitution, under the provisions of which, from the very foundation of the government, each State had been left free to determine for itself the qualifications necessary for the exercise of suffrage within its limits.

The defiant attitude of the South changed the relation of things. Driven to build upon new foundations, Congress determined to regard the rights of man, to extirpate caste from legislation, to give to the weak an equal chance with those more highly endowed. This was the spirit of the Declaration of Independence, for eighty years invoked for the exclusive benefit of the white man. Early in the session Mr. Sumner laid down the proposition that Congress should, in dealing with the rebellious States, see that new governments were fashioned "according to the requirements of a Christian commonwealth, so that order, tranquillity, education and human rights should prevail within their borders." Congress moved forward, believing this to be their mission. The Senate responded to the Nebraska veto of the President by taking up the House bill, which declared that in the territories there should be no exclusion from the suffrage on account of color, and passing it without debate. The President allowed the bill to become a law by failing to return it. Thus, on the 10th of January, 1867, the suffrage question, so far as States to be formed from territories were concerned, was removed from the forum of debate.

It is perhaps unfortunate for the reputation of the Thirty-ninth Congress that it was influenced by its controversy with the President and popular clamor to adopt military rule, even temporarily, in dealing with contumacious States.[1] The legislature alone had the right to consider the problem.

On the 6th of February, Mr. Stevens, from the Committee on Reconstruction, reported a bill with a preamble, which

[1] It was generally believed that the only practical way to get rid of the illegal State governments formed by executive authority was to place the districts under military power.

declared that the pretended governments of the rebellious States, set up without the authority of Congress and without the sanction of the people, afforded no adequate protection for life or property, but countenanced and encouraged lawlessness and crime; and that as it was necessary that peace and good order should be enforced in those States, until loyal State governments could be legally established, it was provided that they should be divided into military districts and made subject to the military authority of the United States. Virginia was to constitute the first district, North Carolina and South Carolina the second district, Georgia, Alabama and Florida the third district, Mississippi and Arkansas the fourth district, and Louisiana and Texas the fifth district. The General of the Army was to take charge of these districts, through his officers not below the rank of brigadier-general, who were to have the general supervision of the peace, with the power to allow civil tribunals to take jurisdiction and try offenders. If that was not sufficient in the officer's judgment, he was empowered to organize military commissions. It was further declared that all legislative acts or judicial processes to prevent the proceedings of such tribunals, and all interference by the pretended State governments with the exercise of military authority, should be void and have no effect. The courts and judicial officers of the United States were forbidden to issue writs of *habeas corpus* except under certain restrictions, which further established the military authority over the people. Prompt trials were guaranteed to all persons arrested, cruel and unusual punishments were forbidden, and no sentence could be executed until it was approved by the officer in command of the district.[1]

Mr. Brandagee of Connecticut followed Mr. Stevens in support of the bill. It seemed the most appropriate plan yet suggested, the freest from constitutional objection, and the best

[1] This measure took the place of a bill introduced by Mr. Stevens, without the sanction of a committee, and, by way of a substitute originally reported by the Committee on Reconstruction, of a bill reported from the Committee on the Territories by Mr. Ashley, and of all other propositions. It was the basis of the new order of reconstruction.

calculated to accomplish those two master aims of reconstruction:

> 1. The gathering up of the fruits of our victories. 2. The restoration of peace and union upon the only stable basis upon which peace and union can be restored—liberty to all, rights for all, and protection to all.
>
> It begins [reconstruction] at the point where General Grant left off the work, at Appomattox Court House, and it holds those revolted communities in the grasp of war until the rebellion shall have laid down its spirit, as two years ago it formally laid down its arms.

The bill was founded upon the indisputable law of nations. It was justified by the fact that not one single issue of the contest had been settled, not a solitary irrepealable guaranty had been obtained and no protection secured to the loyal colored people who had enlisted in defence of the Union.

The power to pass the bill, said Mr. Finck of Ohio, was claimed under the law of nations, and upon the doctrine of the right of the conquerors to take possession of and control conquered territory. Certainly, no man would insult the intelligence of the American people by defending it upon any other principle. It was at war with the Constitution; it was at war with every principle of free government. The people of those States who were to be subjected to this worse than despotism were the sons and daughters of men who helped to achieve our independence and establish free government in this country. They had committed a great wrong, but the speaker believed they were sincere in their desire to continue in the Union and share the blessings and burdens of a common government. To establish a real union they should be treated as friends and not as enemies.

Mr. Bingham believed the House should make haste slowly, and by amendment make the bill subject to as little objection as possible. He challenged any member to point to any statute passed by the Congress of the United States that by implication or otherwise intimated the dogma of the chairman of the Committee on Reconstruction, that the ten insurrectionary

States were a foreign and conquered country. Every act asserted the contrary. It was undoubtedly true that these States remained disorganized States in the Union. It was undoubtedly true that the government of the United States, by its own election, extended to those insurgents the rights of belligerents; and it was also true that, by their rebellion, those insurgents failed to place themselves in a position to put those States out of the Union, or in the condition of foreign territory, or beyond the jurisdiction of the United States. They fully succeeded by their rebellion in overturning their previously existing State governments. That being the case, it followed from the premises that the legislative power of the government was exclusive within those States, and so would continue until the people thereof reorganized constitutional State governments, and the same should be recognized by Congress.

Mr. Shellabarger said that if the state of facts assumed by the other side of the House—that there was peace in every sense of the word all over the Republic in the civil administration of the law; that the courts were open everywhere and redress for violence and wrong could be obtained—really existed, then the bill ought not to pass. The Constitution, by that strange wisdom which amounts to inspiration, had provided for the state of disorganization then existing. It lodged in the President or in Congress the right and duty to suspend the writ of *habeas corpus*. That was the bill in all its scope and effect, and nothing beyond that. The bill assumed that the Republic was in a condition of rebellion when the public safety required that the privileges of the writ of *habeas corpus* should be suspended because the courts were unable to administer the law.

Mr. Raymond characterized the bill as a simple abnegation of all attempts for the time to protect the people in the Southern States by the ordinary exercise of civil authority. It clothed the officers of the army with complete, absolute, unrestricted power, to administer the affairs of those States according to their sovereign will and pleasure. In the absence of all statute law, they were to make the laws as well as to en-

force them. There was nothing in the bill to specify what was the peace they were to maintain; what were the crimes they were to punish; what were the contracts they were to enforce. This was the most extreme measure that could be enacted by Congress. Was there an emergency calling for such a law? He did not agree with Mr. Shellabarger that to suspend the writ of *habeas corpus* was all the bill contemplated. The proper course for Congress to take was to establish in the Southern States some government which would meet its ideas of justice and of right, and then send just as many troops as might be necessary to maintain the authority of that government and to enforce the laws it should enact. Mr. Raymond said he would prefer to the bill the organization of territorial governments, for then there would be at least an organized civil authority from which laws and regulations might emanate. The measure proposed by the committee was not in harmony with our institutions. It was not such a precedent as would secure respect for this nation and for this government anywhere on the face of the earth. It was the last resort of a decayed and dying republic.

The ten sinful States, said Mr. Garfield, "had at last, with contempt and scorn, flung back in our teeth the magnanimous offer of a generous nation. They would not coöperate with us in building what they destroyed. We must remove the rubbish and build from the bottom." Mr. Kasson thought the bill too sweeping. Instead of erecting this great military power over people of some portions of the South, who were at peace and observing law and order, the rule should be so flexible that martial law could be applied wherever law and order did not prevail. Mr. Boutwell declared that it was the vainest of delusions, the wildest of hopes, the most dangerous of aspirations, to contemplate the reconstruction of civil government until the rebel despotisms enthroned in power in those ten States should be broken up.

Mr. Blaine offered an amendment declaring that

when any one of the late so-called Confederate States shall have given its assent to the Fourteenth Amendment of the Constitution,

and conformed its constitution and laws thereto in all respects; and when it shall have provided by its constitution that the elective franchise shall be enjoyed equally and impartially by all male citizens of the United States twenty-one years old and upward, without regard to race, color or previous condition of servitude, except such as may be disfranchised for participating in the late rebellion, or for felony at common law; and when said constitution shall have been submitted to the voters of said State as then defined, for ratification or rejection; and when the constitution, if ratified by the vote of the people of said State shall have been submitted to Congress for examination and approval, said State shall, if its constitution be approved by Congress, be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this bill shall be inoperative in said State.

Mr. Blaine remarked that the true interpretation of the election of 1866 was that, in addition to the proposed constitutional amendment, impartial suffrage should be the basis of reconstruction. Why not declare it so? Mr. Stevens, who always rode with whip and spur, declined to accept the amendment. A motion to refer the bill to the Judiciary Committee with instructions to report back the amendment, was defeated. The bill was then passed and sent up to the Senate.

On the 14th of February the bill was taken up in the Senate, when Mr. Williams of Oregon gave notice of his intention to propose the Blaine amendment. As he failed to do so, it was offered by Reverdy Johnson, who remarked that if the amendment should be adopted the bill would be less objectionable than in its original form. Mr. Wilson moved to amend the amendment so as to provide that all citizens should "possess the right to pursue all lawful avocations and business, to receive the equal benefits of the public schools, and to have the equal protection of all the rights of citizens of the United States in said States." After further debate on the amendments, it was agreed to lay them aside by common consent, that Mr. Sherman might offer a substitute for the entire bill.

The substitute reported by Mr. Sherman on the 16th made the preamble read as follows:

> Whereas no legal State governments or adequate protection for life or property now exist in the rebel States [naming the ten unrepresented States], and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established.

Mr. Buckalew asked if the meaning of the preamble was, that there was no government in existence in any one of these States which in point of law could take jurisdiction, through its courts or through its political authorities, of rights of person or property, or of any other matter pertaining to the jurisdiction of a government within a State.

The view, Mr. Sherman replied, was the same as that taken by the President in his proclamation of May, 1865, that the authorities of those States were overthrown by the act of rebellion, precisely as in the case of the authority of a government being overthrown by the occupation of its territory by a hostile power. "That does not disturb the courts, or the sheriff, or the ordinary operations of the law. . . . But the legal State governments are the governments represented here in Congress. A legal State government is a government which forms a part of the United States."

The first four sections of the bill, Mr. Sherman declared, contained nothing but what was embodied in existing laws. The States were divided into military districts and provision made to govern the acts of military commanders, as was done under President Johnson. The fifth section, which was the vital one, was as follows:

> That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color or previous condition of servitude, who have been resident in said State for one year

previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors of delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State by a vote of its Legislature elected under said constitution shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State.

In this form the bill was passed by the Senate. In the House it incurred the bitter opposition of Messrs. Stevens and Boutwell. The latter declared that the Sherman substitute proposed to reconstruct the State governments at once through the agency of disloyal men. The fifth section was incorporated in the measure, Mr. Stevens declared, "that we may pledge this government in future to all the traitors in rebeldom, so that hereafter there shall be no escape from it, whatever may happen. . . . Pass this bill and you open the flood-gates of misery." Mr. Eldridge of Wisconsin, speaking for the Democrats, denounced the measure as most wicked and abominable. It was not sufficiently radical for Thaddeus Stevens; it was too radical for Mr. Eldridge, who thought all conditions wrong.

Mr. Bingham in some heat exposed the animus of the members of the Reconstruction Committee who opposed the Sherman substitute. What was there in it, he asked, except general suffrage, that had not received the sanction of that

committee? Let the gentlemen answer that to their constituents. Finally the House disagreed and asked for a conference committee. The Senate declined a conference, but sent the bill back to the House for that body to adopt such modifications as would make it acceptable. Mr. Wilson of Iowa moved to agree to the amendment of the Senate with the following amendment added thereto:

Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of a convention to frame a constitution for any of said rebel States; nor shall any such person vote for members of such convention.

Mr. Shellabarger moved to add the following amendment, which became the sixth section of the bill:

That until the people of said rebel States shall be admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control or supersede the same. And in all elections to any office under such provisional governments, all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional government who shall be disqualified from holding office under the provisions of the third article of said constitutional amendment.

Thus amended, the Sherman substitute was approved by both Houses. It was vetoed by the President, but passed over the veto on the 2d of March, two days before the close of the Thirty-ninth Congress. The measure as finally approved was much less objectionable than the original proposition of the Joint Committee on Reconstruction. Though regarded by many as radical, it was, nevertheless, in entire harmony with the public sentiment of the North. As has been remarked, it changed the political history of the United States.

The veto of the President presented the objections to such legislation with much force. It was based on two distinct grounds, the interference of Congress in matters strictly appertaining to the reserved powers of the States, and the establishment of military tribunals for the trial of citizens in times of peace. The people of ten States were to be placed under martial law at once. Before they could be relieved of it certain conditions were to be fulfilled, including the formation of constitutions. The whole question thus remained open and unsettled, and must again occupy the attention of Congress. In the meantime agitation would continue to disturb all portions of the people. In subsequent veto messages relating to legislation supplementary to the act of March 2d, enacted by the Fortieth Congress, the President re-enforced these objections by reference to the practical working of the plan adopted by Congress. The uncertainty of the clause as to disfranchisement, he declared, permitted the exclusion of the great body of the people from the polls and from all opportunity of expressing their own wishes, or voting for delegates who would faithfully reflect their sentiments.

> If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. . . . All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution except such as may be arbitrarily dictated by Congress, and formed under the restraint of military rule.

This was hardly a fair statement of the intent of the act. The President considered only one class of citizens, the whites who had rebelled, while Congress considered those (except certain classes who had disregarded an oath), the loyal whites and the loyal blacks, as constituting the people.

The States, the President continued, had existing constitutions framed in the accustomed way by the people. But Congress declared these were not "loyal and republican." Its standard of a republican constitution was one providing for

suffrage without discrimination as to race, color or previous condition of servitude.

Measured by such a standard, how few of the States now composing the Union have republican constitutions! If, in the exercise of the constitutional guaranty that Congress shall secure to every State a republican form of government, universal suffrage for blacks as well as whites is a *sine qua non*, the work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina. When I contemplate the millions of our fellow citizens of the South, with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement—and white disfranchisement, it may be, almost as complete—or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guaranties of our federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any people can be reduced. It is true that they have been engaged in rebellion and that their object being a separation of the States and a dissolution of the Union there was an obligation resting upon every loyal citizen to treat them as enemies, and to wage war against their cause.

The nation saved, then was the "auspicious time to commence the work of reconciliation, . . . to meet them in the spirit of charity and forgiveness and to conquer them even more effectually by the magnanimity of the nation than by the force of arms."[1]

The President in his zeal as an advocate leaves out of view the purpose of Congress to recognize the obligation of the nation to give ample protection to its wards—to four millions of loyal people whose condition had been made inexpressibly deplorable by the oppressive laws of these same State governments, which he declared to be republican. The majority of the people of the North doubted the wisdom of exacting universal suffrage. The suggestion of Mr. Lincoln that it would be

[1] Veto message of March 23, 1867.—*Messages and Papers of the Presidents*, vol. vi.

well to give the ballot to the blacks who could read and to the thousands who had served as Union soldiers met approval. But there was no disposition to go further. Hence the Fourteenth Amendment left it to the Southern States to fix the conditions of suffrage. Not until those States rejected that amendment by the advice of the President; not until all reasonable guaranties were refused, did the North make equality of suffrage a condition in reconstruction. The Fourteenth Amendment left the colored people at the mercy of the whites, without representation, subject to be taxed and governed without a voice in the government. The Southern States having rejected it with manifestations that promised continued opposition, the reconstruction measures were decided upon. Congress, forced to choose between reconstructing the States upon a basis regarded as disloyal, and enfranchising the colored people, adopted the latter.

Among the acts outside of the domain of partisan politics passed by the Thirty-ninth Congress, was one establishing a department of education, for the purpose of collecting facts and statistics showing the condition and progress of education in the States and territories, and of diffusing such information respecting the organization and management of schools and methods of teaching as should best promote the cause of education throughout the country; also an act to establish a uniform system of bankruptcy throughout the United States.

Doubt lest the proper execution of the Reconstruction Act should be hindered by interpretations of its provisions led to the enactment of a law requiring the "Fortieth Congress of the United States, and each succeeding Congress thereafter," to meet at twelve o'clock on the fourth day of March. Accordingly, when the Thirty-ninth Congress was declared to be at an end, Vice-President Wade in the Senate and Edward McPherson, clerk in the other branch, called the Fortieth Congress to order. It may be remarked as evidencing how completely the leaders of the war period possessed the public confidence, that the choice of members of the Fortieth Congress was a re-election of the preceding Congress to a greater

degree than was ever before known. The membership of the House was but little changed. Schuyler Colfax was for the third time elected Speaker. In the Senate Simon Cameron of Pennsylvania succeeded Mr. Cowan. Roscoe Conkling, who had won distinction in the House, took the place of Ira Harris. Justin S. Morrill, who had entered the House with Mr. Sherman, now followed him to the Senate. Oliver P. Morton entered upon his first term. Charles D. Drake of Missouri succeeded B. Gratz Brown. The most notable accessions to the House were from the ranks of the volunteer soldiers—General Benjamin F. Butler of Massachusetts, General Morton C. Hunter of Indiana, General John A. Logan of Illinois, General Grenville M. Dodge of Iowa and General Cadwalader C. Washburn of Wisconsin. Generals Butler and Logan had been extreme Democrats before the war, and now brought to the support of the Republican party the same earnestness of purpose. The work of restoring the States under the plan of Congress proceeded so rapidly as to secure to Arkansas, Florida, North Carolina, South Carolina, Alabama, Louisiana and Georgia representation in the Fortieth Congress, under acts passed June 22d and 25th, 1868. Georgia was not represented in the Senate until a later date.

It was the resolute purpose of the President to defeat the will of Congress expressed in the reconstruction acts. During the recess, the Attorney-General gave such interpretations of their provisions as were calculated to embarrass the military commanders in the discharge of their duties. This opposition invited more stringent legislation supplementary to the acts preceding, at the second session, which began July 3d. It gave to the General of the Army through the district commanders power to suspend or remove from office any officer holding under the authority of a State government. This power, of course, was to be exercised only in case of an officer refusing to discharge the duties of his office properly. Some such provision was absolutely necessary to secure the successful administration of the reconstruction acts. The President objected that the power thus conferred on a subordinate military officer

was one that all of the departments of the federal government had never dared to exercise. Congress adjourned on the 20th of July to meet again on the 21st of November.

In the autumn elections the Republican party met with reverses. In Pennsylvania there was a falling off of 37,159 votes, of which the Republicans lost 26,416 and the Democrats 10,743, as compared with the election returns of 1865. The Republicans were defeated in New York, where the personal influence of Secretary Seward was still considerable. But in that State and in Ohio there was local agitation operating against the dominant party. A license law cost the Republicans thousands of votes in the large cities. Still the general result was influenced by the same cause that operated in Pennsylvania and Ohio. The *Anti-Slavery Standard*, always narrow and never in touch with the masses of the people, attributed the result to the "shiftless policy of dealing with the treacherous executive," and failure to confiscate large landed estates in the South for the benefit of the poor.

The New York *Evening Post* held that the people intended to rebuke the Republicans for their faults and to bring them back to a moderate and common-sense policy. They had been called upon to restore the Union, to put the finances upon a stable, consistent, reasonable basis, so that business men might know what to look forward to; and to devise a system of taxation which should supply the wants of the Treasury, without interfering too much with the productive industry of the nation. They had accomplished neither successfully. The masses of the Republican party, the *Times* declared, were not content with the results of party action or the tendencies of the Congressional policy. "They have disturbed the country—not pacified it. . . . Public sentiment throughout the State is prepared to demand equal rights before the law for all men, without distinction of race or color; but it is not prepared to endorse measures of extreme and reckless fanaticism." The defeat was simply a lesson to admonish the party to be wiser, more discreet, less arbitrary and extreme in measures, less arrogant and overbearing in

tone. Similar views were expressed by the Cincinnati *Gazette*, which continued to sustain Congress. The New York *World* warned the Democrats not to regard their success as due to themselves, but to those Republicans who gave them the victory. It advised the Democratic leaders to plant themselves upon the principles which recognized and secured the results of the war.

The suggestion of the *Herald* that a new party should be formed under Grant called forth a notable and characteristic article from the pen of Horace Greeley, which attracted wide attention. The following passages show the spirit of the whole:

> The Republican ascendency having been designedly, purposely, broken down by professed Republicans, they are now busy telling us how it may be restored. All we have to do, in their view, is to say no more of Republican principles but to go it blind for General Grant as next President. We have an abiding conviction that our ablest and most worthy statesman is Chief Justice Salmon P. Chase. And we hold conceded ability, wide civil experience and eminent private worth, qualities that the people appreciate and take pride in. . . . Let it be forever understood then, that our preference of Governor Chase is based on no dislike to General Grant, nor even on a low estimate of his abilities. We presume he has no judicious friend who would pronounce him equal in capacity or experience, as a civilian, to the Chief Justice; we trust no friend of the latter will fail to render the general a hearty support if he should be made the standard-bearer of Republican principles in the great struggle now opening.
>
> We can elect no Republican on the spontaneous combustion principle. The Republican party rests under two great and solemn obligations. The first is to the freedmen; the second to the national creditors. The moment we assent to reconstruction on any basis which recognizes the black man as entitled to fewer rights than the white, we consent that every State shall be locked and chained to the car of our adversaries, as Kentucky and Maryland now are.[1] And to say that we are for manhood suffrage in the

[1] The restoration of returned confederate soldiers to full citizenship in Kentucky and Maryland buried the Unionists as effectually as if they had been exiled.

South, but not in the North, is to earn the loathing, contempt and derision alike of friends and foes. We have thus, thank God! no choice but to stand fast by our principles, our allies and the inalienable rights of man.

This bugle call of the editor of the *Tribune* rallied the earnest Republicans of the country again to the work of completing such legislation as the war had rendered necessary for the peace and security of the country and the vindication of the honor of the nation. They were opposed at every stage, as during the war, by the Democratic party.

Meantime the work of reconstruction was progressing favorably. The administration and the political leaders of the South were united in an effort to defeat the return of the States on the basis of an extension of suffrage, or of reduced representation if extension should be refused by any State. General Longstreet, one of the greatest of the soldiers on the confederate side, declared that the military bill and the amendment bill were peace offerings, and should be accepted as such,

The transformation is described in the following letter of ex-Attorney-General Speed, which, by the courtesy of Senator Sherman, I am permitted to make public:

"LOUISVILLE, Aug. 6, 1866.

"MY DEAR SIR:

"I found a queer state of affairs in Kentucky. Jefferson Davis and R. E. Lee are the most popular men here that are now alive. Treason and rebellion are as rampant as in 1861. At all the Democratic meetings the names of Davis and Lee are greeted with uproarious applause. The names of Sherman and Grant are greeted with groans and hisses. The object of their meetings, avowed and undisguised, is to make treason glorious and loyalty odious. God only knows what we are coming to. The Democratic or disloyal party has swallowed up the Johnson Union men in Kentucky; if the same is done at Philadelphia what is to become of the country? Jefferson Davis will be President and R. E. Lee General if that party triumphs before the people.

"The North has done a great work with the bayonet, now it must do a greater with the ballot. *The triumph of the Democratic party would inevitably result in repudiation and anarchy*

"What effect will the election in our State have in your State—will it encourage the Democrats and discourage the Republicans? Of course I am anxious, but I am hopeful.

"I am, Sir,

"Most truly yours,

"JAMES SPEED.

"To Hon. JOHN SHERMAN."

and that they should be made the starting point from which to meet future political issues. This advice was followed by very sensible comments on party alliances.

> Like other Southern men [he remarked], I naturally sought alliance with the Democratic party, merely because it was opposed to the Republican party. But as far as I can judge, there is nothing tangible about it, except the issues that were staked upon the war and lost. Finding nothing to take hold of except prejudice, which cannot be worked into good for any one, it is proper and right that I should seek some standpoint from which good may be done.

If every one, he added, would meet the crisis with a proper appreciation of the condition and obligations of the South, the sun would rise on the morrow on a happy people. The fields would again begin to yield their increase, the railways and waterways would teem with abundant commerce, their towns and cities would resound with the tumult of trade, and the people would be reinvigorated by the blessings of Almighty God. But this was not what the politicians wanted. They preferred the storm of party warfare. As political passions were revived, the old intolerance returned and seized upon the press and society. General Longstreet was meeting with good success in business in New Orleans. On the day his letter was written a newspaper accused him of deserting his friends, of joining the enemy. The hue and cry was thus started and the entire pack joined in. Not one of the papers printed the letter, or attempted to refute its reasoning with arguments. That was not then an accepted method of dealing with differences. An appeal to prejudice was more effective. The great lieutenant of General Lee was ostracised by society—was driven out of business.

Albert G. Brown, who represented the State of Mississippi in the United States Senate for years with distinguished ability, declared that it was the duty of the intelligent white man to educate the colored man, to admit him, when sufficiently instructed, to the right of voting, and as rapidly as possible to prepare him for a safe and rational enjoyment of

that equality before the law which, as a free man, he had a right to claim. Ex-Senator Mallory of Florida, General Wade Hampton and a few other educated gentlemen of the South, gave similar advice. If the policy they advised had been followed and cordial relations with the colored people had been established, there never would have been an opening for the political "carpet-bagger." Pride and intolerance carried the Southerners the wrong way, and mischief and misery and injustice came of it. "Above all things," said Governor Patton of Alabama, "we should discourage everything which may tend to generate antagonisms between white and colored voters." Such counsel was unheeded in the presence of a dominating force stimulated by passion.

The President did nothing for peace. His will was directed to thwart reconstruction requiring guaranties. He disregarded the sentiment of the loyal people of the country who had sustained the government, and who had chosen him to represent them. He struck at their favorites. He sought to displace the Secretary of War. He hated Sheridan and Pope and Sickles, who, by successful administration of civil affairs in their districts, were preparing the way for a peaceful restoration of the States and the final triumph of Congress. He secured their removal.[1] He sought to use the great names of Grant and Thomas and Sherman to cloak his policy of violence. In this he was foiled. Grant's poise of judgment and faithfulness at this period make him a striking figure in the presence of a man who, under the influence of passion, is madly beating the air.

While reminding the President that under the tenure-of-

[1] Changes were made in the Second, Third, Fourth, and Fifth Military Districts. General Sickles was succeeded by General Canby, General Pope by General Meade, General Ord by General McDowell, General Sheridan by General Hancock. Only in the Fifth District did the change make any difference in the policy of management. General Meade forbade the publication of inflammatory appeals in Georgia and Alabama, and denounced assassination. General McDowell removed Governor Humphreys of Mississippi and appointed General Adelbert Ames as his successor. He also removed the Attorney-General. Politics was made to play a part in Louisiana by General Hancock.

office law the Secretary of War could not be removed without the consent of the Senate, the Secretary asked why action had not been taken when the Senate was in session. Mr. Johnson's friends never could account for his indecision at critical times in dealing with the case of Mr. Stanton. Before the passage of the act he could have made a change in the War Office at will. General Grant reminded him of the fact, which he well knew, that the act was intended specially to protect the Secretary of War, in whom the country felt great confidence. With greater earnestness he remonstrated against the displacement of General Sheridan, who was "universally and deservedly beloved by the people who sustained this government through its trials, and feared by those who would still be enemies of the government." He had given satisfaction in his civil administration. Almost from the day he was appointed it had been given out that he was to be removed—that the administration was dissatisfied with him. This had emboldened the opponents to the laws of Congress within his command to oppose him in every way in their power, and had rendered necessary measures which otherwise might never have been necessary.[1] "It is unmistakably the expressed wish of the country," said General Grant later, "that General Sheridan should not be removed from his present command. This is a republic where the will of the people is the law of the land. I beg that their voice may be heard." But Andrew Johnson had got beyond that. He had crossed the Rubicon. The removal of General Sheridan, continued Grant, would be "regarded as an effort to defeat the laws of Congress."

It will be interpreted by the unreconstructed element in the South, those who did all they could to break up this government by arms, and now wish to be the only element consulted as to the method of restoring order, as a triumph. It will embolden them to renewed opposition to the will of the loyal masses, believing that they have the executive with them.

They confidently believed that Mr. Johnson would yet

[1] Private letter to the President, August 1, 1867.

triumph. The most violent methods were adopted to aid him. The Augusta *Chronicle and Sentinel* denounced in advance as "scalawags, traitors, Yankee emissaries and negroes" all white citizens in Georgia who might vote for or against a convention.

> Let conservatives [it advised] keep away from the polls and induce as many as possible of their friends and laborers to remain quietly at home, except in those districts where the whites have a majority and are running conservative candidates. In those districts no endorsement whatever should be placed on the bill. Vote simply for delegates and say nothing about convention.

Thus they were opposed to everything which did not certainly promise to give them control. The result was the immediate loss of all control. Disappointed in the successful calling of the convention,[1] and in the liberality of the constitution framed, they resorted to violence. G. W. Ashburn of Columbus, who had had the courage and independence to attend the Philadelphia convention of Southern loyalists, and had served as a member of the State constitutional convention, was assassinated. Such crimes became frequent throughout the Gulf States.

It is well not to overlook the unhappy condition of the South. The people were poor. They had not the means to venture in new enterprises, nor to restore and efficiently cultivate the plantations. Labor had not been readjusted to the new conditions. The harsh and unjust regulations adopted in the different States through the mistaken belief that the negro would not work unless driven by the lash or "pains and penalties," erected a wall between the proprietors of the land and the laborers. Disasters resulted from this policy. Wrongs, even crimes, resulted from it. The crop of 1866 was a failure, and that of 1867 unsatisfactory. Men became discouraged. Their training unfitted them for hard toil. It is, therefore, not singular that they charged up to the account of the North

[1] In Georgia 110,000 votes were cast on the question of calling a convention. Of these 30,000 were whites. It was carried by over 20,000 majority.

a considerable share of their difficulties, and set down nothing to their own pride, intolerance and want of experience. The following letter from the most widely known author of the South addressed to a lady in the North gives a doleful picture of the situation:

CHARLESTON, July 2, 1867.

MY DEAR MADAM:

It is difficult to explain the miserable condition of this country or give you any adequate idea of its distress. Enough that one-half of the population are *always now* on the eve of starvation. If you will only keep in mind that the labor and capital of the South were blended and that both have been destroyed; that the laborer will not work and that there is no capital left; that nobody has any money; that the crops utterly failed last year, and no planter had any produce to sell; that money can only be borrowed at an interest varying between three and five per cent. per month; that in order to get this money even at these exorbitant rates the planter is required to mortgage not only the growing crop but the land itself; you will readily conceive that the country is irretrievably ruined, doomed without hope of redemption and without any prospect in the future. The politics of the country, even were there any hopes of a return, in some degree, of pecuniary prosperity, would suffice to kill them, and nothing now remains to our people but turbid lives in desolation, to end at last in a general massacre. Enough on this head. You need not doubt that Mr. M—— and Mr. H—— are both ruined. This is the universal history with few exceptions. If your Mr. M—— be the gentleman I suspect, of Barnwell, he was before the war a man of wealth with a fine plantation and a new and splendid dwelling. The dwelling was destroyed like every other fine one in the track of Sherman's army. He has little left him but his land and his manhood. This gentleman would, no doubt, be pleased to hear from you. Of the distress prevailing here no language can give you an adequate idea. Believe the worst. There is no exaggeration in any of the accounts you hear.

Very truly and respectfully,

Your ob't servant,

W. GILMORE SIMMS.[1]

[1] *MS.* letter.

When Congress convened on the 2d of December the full measure of the President's hostility was understood. His annual message was an elaborate plea in justification of his efforts to thwart the will of Congress in reconstruction. It was more than that. It was an appeal to the Southern extremists to continue their resistance; an appeal to the merchants of the North to coerce the national legislature into an abandonment of its attempt to secure the fruits of the war; an appeal to the prejudices of the dominant white race against the inferior and dependent black race. It even attempted by an exaggerated view of a country desolated by unfriendly legislation and the cost of holding it in subjection by the military arm of the government to alarm the public creditors and to impair the value of our securities. It imputed to Congress motives that never had an existence.

The system of measures established by these acts of Congress [the President declared] does totally subvert and destroy the form as well as the substance of republican government in the ten States to which they apply. It binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. . . . It has the effect of a bill of attainder or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children.

And yet Congress through the district commanders had not invaded the constitutional rights of the States, or invaded the personal liberty of the citizen, to a greater degree than the President through his district commanders and provisional Governors. In both cases obstructive local officers had been removed, in one case by the fiat of the executive, in the other by the fiat of the legislature. There was this difference: The efforts of the executive were directed to the establishment of civil government for the benefit of a portion of the inhabi-

tants; the legislature took into account the whole population. The executive imposed conditions on the States, but failed to take security for the future peace. This omission Congress attempted to supply. If conditions in one case were unconstitutional and oppressive, so were they in the other. The acts of the President after his veto of the civil rights bill did not conform to his declaration that he had "no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the government." Everywhere he struck down those who had been loyal to the Union during the rebellion, and exalted those who had sought to take the life of the nation. He ignored the facts of secession, the overthrow of governments, the loss of life, the destruction of property, the debt incurred in vindicating national authority. The failure of rebellion involved no penalty. Such was the logic of his acts.[1]

The President, assuming that Congress designed to put the Southern States wholly under the control of negroes, proceeded to argue the incompatibility of the white and black races, and the tendency of the latter when unrestrained to relapse into barbarism. This prepares the reader for the declaration that, "of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country." To maintain these governments would require a standing army, and probably more than two hundred millions of dollars per annum. Would not the public credit be injuriously affected by a system of measures like this? Once let the conviction be firmly fixed in the public mind that the loyal people of the country created the debt not to hold States

[1] In carrying out the policy of the President in Louisiana, General Hancock restored A. Cazabat, who had been removed from the office of judge by General Sheridan for his obstructive disloyalty. The registers had been instructed in their duties, and had received from General Sheridan memoranda of disqualifications. These were such as were prescribed by the reconstruction acts. General Hancock set them aside and told the registers to be guided by their own interpretation of the laws. He restored as far as possible the control of civil affairs to the State and local officers.

in the Union, as the taxpayers were led to suppose, but to expel them forever from it and hand them over to be governed by negroes, would not the moral duty to pay it seem less clear? His thought is how to raise up the most formidable antagonisms to confront and threaten Congress and to terrorize the loyal majority supporting that body.

The Fourteenth Amendment to the Constitution, which Congress asked the rebellious States to ratify as evidence of good faith, and to accept as a rule of action for their Senators and Representatives when admitted to their seats, contained the following section:

> The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Congress adopted this method of giving confidence to the creditors of the nation and stability to the government: it proposed to make the obligation to pay the debt a part of the fundamental law, and to put its repudiation beyond the power of a political party temporarily in control of the government. The proposition incurred the veto and personal opposition of the President. Ten States rejected it at his bidding. But the legislative department remained firm of purpose, and secured the adoption of this just amendment. Before the close of June, 1868, all of the so-called Confederate States except Virginia, Mississippi and Texas were represented in Congress and thus restored to their proper relations to the Union.[1] This was accomplished without the approval of the President. Pending the restoration of these States, the reactionary Democratic Legislatures of New Jersey and Ohio passed resolutions

[1] All of the Senators and all of the Representatives except two from these States were Republican; about one-half were natives of the South.

withdrawing the consent of those States to the amendment, which were held to be "irregular and invalid, and therefore ineffectual."[1] There was a feeling of relief when on the 20th of July Secretary Seward officially certified to the facts and declared that (if the ratifying resolutions of Ohio and New Jersey were deemed as remaining in full force and effect) the amendment had become valid to all intents and purposes, as a part of the Constitution of the United States.

[1] Seward's official announcement.

CHAPTER XI

THE IMPEACHMENT OF PRESIDENT JOHNSON—THE ELECTION OF 1868

THE year 1867 witnessed the departure of the French army from Mexico, the capture of Prince Maximilian, Mejia and Miramon, after a gallant defence, at Queretaro, and the final overthrow of the ill-starred Empire of Mexico. Its fate was sealed when the authority of the government of the United States became paramount. M. Thiers and other liberal statesmen of France had boldly attacked a policy which annually sunk vast sums in keeping a monarch upon a throne in Mexico against the will of the people of that country. They declared that the jealousy of the United States had been aroused and a day of humiliation for the power of France would soon come. It came when the Southern confederacy fell. The presence of General Sheridan on the Rio Grande was a hint Napoleon III. understood. He promptly made an agreement with our government for the withdrawal of his troops, the last of whom were to depart in November, 1867. The abandonment of the party he had raised up without first exacting of Juarez conditions for their protection was an act of base treachery. Maximilian determined to share the fortunes of his partisans. It was a useless sacrifice, but an act of bravery which won him the respect and sympathy of mankind. The good offices of our government were solicited in his behalf by Austria, France and England. Secretary Seward was unable to induce the triumphant republicans of Mexico to earn the good will of those countries by an act of clemency.

The unfortunate Prince and the generals Mejia and Miramon were tried by a military commission and condemned. On a beautiful summer day—the 19th of June—they were executed, the Emperor with his face to the deadly rifles, as an act of grace to a brave man.[1]

The civilized world denounced this murderous deed and held the Emperor of France not guiltless. But in the lonely castle of Miramar another victim of his ambitious policy was pining in helpless madness—a noble and devoted wife, the Empress Charlotte. When word reached Mexico that Napoleon had promised the United States to withdraw his troops from Mexican territory, the Empress, unattended, crossed the Atlantic to attempt to secure a revocation of the order. With tears and entreaties she besought Napoleon to vindicate his honor by continuing to support the ruler he had given to the Mexicans. Failing in Paris, the Empress Charlotte travelled to Rome to secure the help of the Pontiff. She repeated her tale of the ingratitude and treachery of the great. But the head of the Church no longer controlled the destiny of states. He gave such spiritual consolation as he could and dismissed the lady. Deserted by the Emperors of France and Austria, there was no power to interpose between her husband and his fate. Under the strain her reason gave way, and the castle of Miramar became the living tomb of the Empress Charlotte. Its shadow fell upon the Emperor of the French. Little more than three years from the time when Maximilian was shot to death at Queretaro, Napoleon was a prisoner and the doom of the Second Empire was pronounced.

By the treaty ceding Russian America or Alaska to the United States, which was signed by Secretary Seward and Baron Stoeckl March 30, 1867, and shortly afterwards confirmed by the Senate, we acquired a territory of 570,000 square miles. Public proclamation of the treaty was made on the 20th of June. At Sitka, on the 9th of October, in the

[1] See correspondence of Secretary Seward with Lewis D. Campbell, American minister, and the representative of Mexico as to the disposition of Maximilian, in State Papers. Also files of newspapers for 1867.

presence of the citizens and of officers of both nations, the transfer was made. When the subject came before the House on a proposition to pay $7,200,000 for the territory there was a free interchange of views as to the propriety and the desirability of the purchase. The acquisition, on account of the lack of information, was generally regarded as undesirable. But there was a vague rumor abroad that this transaction bore some relation to the presence of the fleets of Russia in American waters during the gloomiest period of the war, when the interposition of England and France seemed imminent. The money was voted, but not until after the House had asserted that no treaty could have full force and effect until the consent of Congress should first be obtained. This was an old contention, going back to the time when the Jeffersonians attempted to defeat the Jay treaty. But in this particular instance the House based its argument on the opinion of Judge McLean in the case of "Turner *vs.* The American Baptist Missionary Union," (5 McLean, 344). Judge McLean said:

A treaty is the supreme law of the land only when the treaty-making power can carry it into effect. A treaty which stipulates for the payment of money undertakes to do that which the treaty-making power cannot do; therefore the treaty is not the supreme law of the land. To give it effect the action of Congress is necessary, and in this action the Representatives and Senators act on their own judgment and responsibility and not on the judgment and responsibility of the treaty-making power. A foreign government may be presumed to know that the power of appropriating money belongs to Congress. No act of any part of the government can be held to be a law which has not all the sanctions to make it law.

The House incorporated the principle herein expressed in the preamble of the bill appropriating the money for the purchase of a territory that had already been transferred to the United States. The Senate objecting, the preamble was modified so as to declare in effect that

Whereas the President had entered into a treaty with the Emperor of Russia, and the Senate thereafter gave its advice and consent to

said treaty; and whereas said stipulations cannot be carried into effect except by legislation to which the consent of both Houses of Congress is necessary : therefore be it enacted that there be appropriated the sum of $7,200,000 for the purpose named.[1]

An opinion by Judge Swayne in the United States Circuit Court at Louisville, in November, on the constitutionality of the civil rights act attracted wide attention. It was a case[2] in which white persons convicted by a jury of burglary upon the house of a black woman, on her evidence, moved for arrest of judgment on the grounds that the civil rights bill under which the indictment was brought was unconstitutional, and that the laws of Kentucky prohibited blacks from testifying against whites. The opinion fully sustained the constitutionality of the law. It held that citizenship does not depend on the States; that the term citizen is analogous to the term subject in the common law, and that all persons born within the United States, or naturalized, are citizens. The United States has repeatedly made citizens by treaty, and its power of naturalization is not limited by color. The pretence that the national government has not the power to declare the question of citizenship, Judge Swayne said, was absurd and historically untrue. He claimed that the Constitution gives black persons the rights of citizenship in all the States, by the clause that citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. Even the limitation of the term "citizen" to voters would not exclude the blacks, for negroes voted in five States when the Constitution was adopted. Power having been conferred upon Congress to enforce all the provisions of the Constitution by proper legislation, the civil rights act was legal.

Speaker Colfax, recognizing that the fiscal affairs of the country required a new financial policy, and economy in expenditures, reconstructed the two finance committees, disregarding the rule of seniority. General Schenck was made chairman of the Committee on Ways and Means and Thaddeus

[1] The bill received the President's approval, July 27, 1868.

[2] The United States *vs.* John Rhodes and others.

Stevens chairman of the Committee on Appropriations, with E. B. Washburne as next in rank. On the 5th of December Mr. Schenck reported a bill repealing so much of the act of April 12, 1866, as authorized the Secretary of the Treasury to retire United States notes. Both Houses were in favor of the proposition, as the business classes demanded that some action should be taken. The measure as finally agreed to in a committee of conference was as follows:

> That from and after the passage of this act, the authority of the Secretary of the Treasury to make any reduction of the currency, by retiring and cancelling United States notes, shall be, and is hereby suspended; but nothing herein contained shall prevent the cancellation and destruction of mutilated United States notes and the replacing of the same with notes of the same character and amount.

The bill became a law without the approval of the President. In his remarks in support of the measure, Mr. Sherman said that it would satisfy the public mind that no further contraction would be made while industry was in a measure paralyzed. The complaint of business men was that trade and enterprise were not so well rewarded as formerly. To a contraction unexampled in the history of any nation—$140,000,000 had been withdrawn out of $737,000,000 in less than two years—the people attributed, perhaps erroneously, the unfavorable change in business conditions. But the measure would restore to the legislature their power over the currency, where it belonged; and it would encourage business men to continue old, and embark in new, enterprises, when assured that no change would be made in the measure of values without the consent of their representatives.

Mr. Sherman had opposed the passage of the act of April 12, 1866. Some years afterwards [1] he criticised the policy of the Secretary of the Treasury which took form in that measure. He showed that the greenbacks were based upon coin bonds, and were convertible into an interest-bearing bond up

[1] 1874.

to 1866, and until the passage of the act of April 12th.[1] Thus the note-holder was on an equality with the bond-holder. Under the authority which the act conferred on him Secretary McCulloch

authorized the funding of all forms of interest-bearing securities into six per cent. gold bonds of the United States, while he proposed to raise the greenback up to par in gold by contracting it by gradual stages limited by the law. This act, and the very first thing done under it, separated forever the gold bonds from the legal tenders, and abandoned all idea of the power, the right and the practice to convert the greenback into a bond.

The only limitation to the power of the Secretary of the Treasury was as to the rate of interest on the gold bonds. He

funded the treasury notes, and all the various forms of interest-bearing notes, into six per cent. bonds, swelling the amount of our six per cent. indebtedness from about $700,000,000 to about $1,600,000,000. All the treasury notes payable in currency were converted into six per cent. gold bonds, and the money of the people, the greenbacks, were left to be cancelled and retired under the last clause of the act, which authorized the Secretary to cancel $10,000,000 by a certain time, and $4,000,000 in each month afterwards. Thus the bond-holder was provided for, and the note-holder was left without any legal right except a naked promise to pay in the indefinite future.

If this act had contained a simple provision [said Mr. Sherman] restoring to the holder of the greenback the right to convert his note into bonds there would have been no trouble. Why should it not have been done? Simply because the Secretary of the Treasury believed that the only way to advance the greenbacks was by reducing the amount of them; that the only way to get back to specie payments was by the system of contraction. If the legal tender notes could have been wedded to any form of gold bond by being made convertible into it, they would have been lifted by the gradual advance of our public credit to par in gold, leaving the question of contraction to depend upon the amount of notes needed for currency.[2]

[1] The right was taken away as to the five-twenty bonds in 1863.

[2] *Speeches*, p. 419.

On the 17th of December Mr. Sherman made a carefully prepared report on the finances and taxation, and introduced a bill for refunding the national debt and for a conversion of the notes of the United States. After an extended discussion the bill was modified and passed, but failed to receive the approval of the President. The theory of Mr. Sherman's plan (which afterwards was embodied in legislation) was to advance both bonds and notes to par in coin, and to issue bonds in such form and terms that the government could redeem them, or renew them at lower rates of interest. Meanwhile little could be accomplished with a President drifting towards repudiation, and placing himself in opposition to every measure calculated to foster enterprise and restore peace to the country.

The apparent lessening of prosperity was inseparable from the abnormal conditions. There had been extraordinary activity in all industrial pursuits, in the construction of railroads and in the development of new territory. The population had been largely increased by immigration, which added to the wealth and producing capacity of the country. The volume and cheapness of the currency stimulated speculation, the expansion of old enterprises and the undertaking of new. The capacity of production was greatly increased. With all this, prices advanced far beyond the premium on gold. But the increase in wages did not keep pace with the increase in rents and in the prices of articles of consumption. The Special Commissioner of Revenue estimated in 1866 that the average increase in the prices of labor, since 1860, had been about sixty per cent., and of commodities and rents about ninety per cent.[1] While for years manufactures had increased enormously and the profits were large, as competition became aggressive, the business men who had built shops and invested capital on the inflated basis were placed at a disadvantage as compared with those whose capital had been invested on a different basis. For these and other evils the cure was a readjustment of revenue, a decrease in taxation and an increase

[1] The reports of David A. Wells, Special Commissioner, on revenue and taxation are invaluable.

in the purchasing power of the currency. This was the task before Congress. Its execution was rendered more difficult by the obstacles which rascality raised up at every step.

The reactionary purpose of the Democrats of the Ohio Legislature was in harmony with the spirit that controlled the President. Reconstruction with guaranties was to be defeated. But the popular will was firm in demanding justice and security for the future. It was not Congress alone against Andrew Johnson: the people were against him. As they witnessed his futile attempts to use Grant, Thomas and Sherman in his quarrels, their indignation increased. There was a demand for his impeachment. When the President suspended Secretary Stanton on the 12th of August, 1867, and appointed General Grant Secretary *ad interim*, the latter expressed the opinion that any interference on his part would be illegal. He was subsequently relieved from embarrassment by the Senate's refusal to approve of the suspension of Mr. Stanton. The President thought to transfer General Sherman from St. Louis to Washington. In order to accomplish that he nominated him to the rank of brevet-general. General Sherman promptly telegraphed to his brother, the Senator, to oppose the confirmation. Failing in this, on the 21st of February, 1868, the President nominated General George H. Thomas to the rank of brevet-lieutenant-general and also to the rank of brevet-general. General Thomas telegraphed the President of the Senate an earnest request that the Senate would not confirm the nomination. Thus the attempt to raise up a power against Grant was a failure.

Under the instructions of a resolution introduced in the House on the 7th of March, 1867, by James M. Ashley, the Judiciary Committee had taken testimony and considered charges against the President. On the 25th of November a majority of the committee reported a resolution on impeachment, which was made the special order for the 4th of December. James F. Wilson of Iowa and Frederick E. Woodbridge of Vermont and the two Democratic members of the committee opposed the resolution. When brought to a vote it was rejected. This

would have ended all attempts at impeachment but for the folly of the President. He placed himself in the hands of his enemies. The Senate refusing to approve of the suspension of Mr. Stanton, the President removed him and appointed Lorenzo Thomas, the Adjutant-General of the Army, Secretary of War *ad interim*, without the advice and consent of the Senate, then in session. Such an officer is unknown to our laws except in case of suspension. This was a removal creating a vacancy which should be filled by the chief clerk as provided for in the act creating the War Department. Then, how could General Thomas legally serve? Did this act of the President's constitute an impeachable offence? The President might have secured the removal of Mr. Stanton by simply sending to the Senate the name of an unexceptionable person. He chose to defy the law. On the 24th of February, 1868, a resolution providing for impeachment was adopted by a vote of 126 yeas to 47 nays.

Then followed the formal notification to the Senate and to the accused; the appointment of managers on behalf of the House; the imposing spectacle of the Senate sitting as a Court of Impeachment with the Chief Justice presiding, and the galleries filled with diplomatic representatives of foreign governments, members of the press and citizens of the United States. For two months the trial lasted, during which time the columns of the newspapers were filled with descriptions of the scenes, comments on the testimony and speculations as to the result. So intense was the excitement that no one outside of the court seemed capable of forming an unbiased judgment. Even the dignified Chief Justice did not escape the censure of those who had early condemned the President in their hearts. When Mr. Chase in the most respectful manner suggested to the Senate that it was not a court until the Chief Justice should be seated as its presiding officer; and that it seemed to him "fitting and obligatory, when he was unable to concur in the views of the Senate concerning matters essential to the trial, that his respectful dissent should appear," he was accused of being biased in favor of Mr. Johnson. This

censoriousness swelled into a volume of angry protest and finally of accusation of having influenced the votes of certain Senators. Mr. Chase held that the Chief Justice, presiding in the trial of the President, has no other or different powers than the Vice-President would have presiding in a trial of the Chief Justice. He was not in any strict sense a member of the court. As presiding officer, being Chief Justice, it was proper that he should rule, preliminarily on questions of evidence, and, if called upon, express his opinions on any other questions, in analogy to the practice in England when the judges attend the House of Lords on trials of impeachment, and answer such questions as the House of Lords sees fit to put. The whole proceeding was novel in our country, and the Chief Justice, as well as the Senators, wished the precedent properly made.[1] There was talk of denying to the Chief Justice the casting vote, but happily the occasion afforded no opportunity for a conflict between the Senate and the presiding officer in the impeachment.

The managers on the part of the House were John A. Bingham, George S. Boutwell, James F. Wilson, John A. Logan, Thomas Williams, Benjamin F. Butler and Thaddeus Stevens. Mr. Stanbery resigned the office of Attorney-General and became one of the counsel for the President. His associates were B. R. Curtis, Jeremiah S. Black, William M. Evarts, William S. Groesbeck and Thomas A. R. Nelson. The trial ended by the acquittal of the President, on the eleventh article of impeachment, two-thirds not having voted "Guilty" as required by the Constitution. The vote stood thirty-five to nineteen.[2] The Republicans voting "Not guilty" were Fessenden, Fowler, Dixon, Grimes, Henderson, Ross, Trumbull and Van Winkle. These fell under condemnation, most unjustly, for maintaining their independent judgment.

[1] The view of the Chief Justice was sustained by the Senate.

[2] On the 16th of May a test vote showed that a two-thirds vote could not be obtained, and on the 26th the Court adjourned, having previously had several ballots with the same result as the first. Judgment of acquittal was then rendered by the Chief Justice.

It is of interest to take notice of a defence set up by those who apologized for the President. "It cannot be unlawful," said one of these, "for the President to violate an unconstitutional law, which is simply no law at all." And until the validity of the law should be decided by the Supreme Court the question of guilt or innocence could scarcely be entertained.[1] This theory would justify the President in disregarding or holding in suspense any law enacted despite the veto according to the provision of the Constitution, until the Supreme Court shall have passed upon it. Does this in effect overthrow the power of the people conferred upon their representatives? The question engaged the attention of the Chief Justice in his correspondence pending the trial. "Nothing is clearer to my mind than that acts of Congress," said he, "not warranted by the Constitution are not laws." This was the argument employed by him and other anti-slavery leaders in other days to justify a disregard of the fugitive slave law. Individuals were to determine their responsibility for themselves.

> In case a law [the Chief Justice continues], believed by the President unwarranted by the Constitution, is passed, notwithstanding his veto, it seems to me that it is his duty to execute it precisely as if he held it to be constitutional, except in the case where it directly attacks and impairs the executive power confided to him by that instrument. In that case it appears to me to be the clear duty of the President to disregard the law, so far at least as it may be necessary to bring the question of its constitutionality before the judicial tribunal.

How could the President fulfil his oath to preserve, protect and defend the Constitution, if he had no right to defend it against an act of Congress? Therefore it was inferred that the President not only had the right, but he was under the highest obligation, to remove Mr. Stanton, "if he made the removal, not in wanton disregard of a constitutional law, but with a sincere belief that the tenure-of-office act was unconstitutional,

[1] New York *Times*.

and for the purpose of bringing the question before the Supreme Court." [1]

Impeachment failing, Mr. Stanton promptly resigned the office of Secretary of War, and was thus relieved from what must have been a very embarrassing position. The President appointed General Schofield to succeed him, which was acceptable to the friends of Congress. The President also appointed William M. Evarts to succeed Mr. Stanbery as Attorney-General.

The excitement attending the trial of the President, the indignant remonstrances of the partisan press on the announcement that impeachment had failed by one vote, the feeling of resentment predominant throughout the North and the apprehensions of the Southern loyalists are a part of the history of 1868. It was a period of serious importance. Our republican institutions were again on trial. A large section of the country was being terrorized by men convicted of rebellion, and arrayed in sympathy with them were their Northern allies of the days of civil war and the President of the United States. It may be pardoned the soldiers of the Union and their friends; it may be pardoned the people's legislature, that they believed that security for the future was to be obtained through the impeachment of the President, who, they believed, had proved faithless and treacherous. They believed he had violated the law and broken his oath. But calmness of judgment is rarely possible in the presence of passion. Therefore one need not be surprised that a feeling of resentment swept over the land. The High Court of Impeachment afforded a salutary lesson which is appreciated to-day if it was not in its own epoch. It was constituted of men of high character and of distinguished ability. They discharged their duties conscientiously and with a delicate sense of their responsibilities. This may be said of Senator Wade, who would have succeeded to the presidency in case of impeachment, of Senator Sumner, who was the recognized leader of the radicals, and their associates of the majority, as

[1] Letter to Gerrit Smith, April 19th. Warden's *Life*, p. 685.

well as of Senators Trumbull, Grimes and Fessenden, who were singled out for partisan vengeance because of their independence. One will not concede to them greater conscientiousness than to Sherman and Edmunds, or greater moral courage than to Wade, and yet their attitude is deserving of special remark.

"I can do nothing," said Senator Grimes, "which, by implication, may be construed into an approval of impeachments as a part of future political machinery." This was in a sense a reflection upon fellow Senators, and is, therefore, less to be commended than the words of Senator Fessenden:

> I should consider myself undeserving of the confidence that the just and intelligent people imposed upon me in this great responsibility, and unworthy of a place among honorable men, if, for any fear of public reprobation, and for the sake of securing popular favor, I should disregard the conviction of my judgment and my conscience.

> In view of the consequences likely to flow from this day's proceedings [said Senator Trumbull], should they result in conviction on what my judgment tells me are insufficient charges and proofs, I tremble for the future of my country. I cannot be an instrument to produce such a result; and at the hazard of the ties even of friendship and affection, till calmer times shall do justice to my motives, no alternative is left me but the inflexible discharge of duty.

There were some who believed—all ought to have believed—that a party would be infinitely poorer which should lose the sympathy and support of such men. "A party can always afford," the Chicago *Tribune* remarked, "to take the consequences of the conscientious performance of a judicial duty."

It was cause for congratulation that the Republican national convention which met at Chicago just after the vote was taken on the eleventh article refrained from casting any reflection on the Senators who had voted "Not guilty." The convention, however, did not fail to deplore the accession of Andrew

Johnson to the presidential office and make proclamation of his offences. It also charged that he had "perverted the public patronage into an engine of wholesale corruption."

The movement to make General Grant the candidate of the Republican party became irresistible after a great meeting in Cooper Institute, New York, held on the evening of December 4, 1867. A. T. Stewart presided. Speeches were made by Francis B. Cutting, General Sickles and others, and a committee of twenty-four of the leading citizens of New York was appointed to take charge of the movement. A class of men not often found in political meetings participated. The following resolution was adopted:

Resolved, That in the judgment of this meeting, representing all of the great interests of national industry, the public sentiment of the country unmistakably indicates its choice for the office of Chief Magistrate; and that in accordance therewith, and relying with perfect confidence on the sagacity, judgment, persistent energy and unfaltering patriotism, so strikingly displayed throughout his whole civil and military career, we present General Ulysses S. Grant as the candidate of the loyal people of New York for the office of President of the United States.

To this popular sentiment Mr. Greeley and other leaders who had hoped for the selection of Mr. Chase, whose statesmanship and experience marked him as preëminently fit for the office of President, yielded. Theodore Tilton misrepresented him in the *Independent* and made that an excuse for abandoning him. Mr. Chase's plan for restoring the Southern States was equal suffrage and universal amnesty. In one other respect only was he in accord with the Republican party, namely, in insisting on the maintenance of the faith of the nation by the payment of the public debt in the money of the world. There were certain tendencies in the Republican party he did not approve of. He held views that accorded with the political theories of Jefferson, which he hoped, now that slavery was dead, might find recognition in the revived Democratic party. His aspiration made him blind to what was plain to

others, that the subject upon which alone the Democratic party at the time was fully centred, and which distinguished it as a party before the war and in the time of reconstruction, was hostility to equal rights.

The Republican national convention met in Chicago on the 20th of May. The people were entertained the day before by the proceedings of a convention wholly constituted of soldiers and sailors who participated in the war, which was presided over by General Logan. But soldiers were very much in evidence also in the regular convention. General Carl Schurz, as temporary chairman, made a speech which added to his already great reputation as an orator. General Joseph R. Hawley of Connecticut was made permanent chairman of the convention. When, in his remarks, he declared that the issue was "the old fight of liberty, equality and fraternity against oppression, caste and aristocracy," his audience responded with enthusiasm.

> The power of a nation of forty millions [said he] must be just to the claims of the poorest workingman, of whatever race, to recover even and just wages. Its majesty must be felt whenever the humblest loyal man appeals against personal violence and oppression. Every dollar of the national debt the blood of a soldier is pledged for. Every bond, in letter and spirit, must be as sacred as a soldier's grave.

These sentiments suited the temper of the delegates. Ovations were given to Generals Sickles, Fairchild, Palmer and the delegation representing the Soldiers and Sailors' convention. But these were tame compared with the reception of Ex-Governor Joseph E. Brown of Georgia, the most distinguished of the Southern delegates present.

The speech of Governor Brown is the fairest presentation of the political situation in the Southern States that will be found in print. He was a representative of the plain people. While endowed with uncommon natural abilities, he was modest, unassuming and unambitious of place and power. He filled all offices to which he was called with fidelity, shirking no responsibility and seeking no selfish advantage. Although possessing

ample means, he and Mrs. Brown lived unostentatiously and simply, always hospitable, and always helpful to the poor. Their domestic life was beautiful in the genuineness of its faith, benevolence, simplicity and affection. This describes the character of the Georgian who now addressed the Republican convention.

As I remarked before I left my seat [Mr. Brown began], I was an original secessionist. I was born in South Carolina. Growing up under the influence and teachings of that master intellect, Calhoun, then in the full glow of his meridian, I early embraced the States Rights doctrines, and I suppose that I as sincerely and religiously believed that they were correct as you believed the opposite was sound. For years before the unfortunate struggle we have just passed through, I foresaw that the issue which divided the North and South must ultimately be settled by the sword. There was no common tribunal of judgment which either side would respect. Secession was the result. I went into it cordially as a States Rights man, and I stood by it as long as there was any chance to sustain it.

Mr. Brown went on to say that when the end came and the people of the North were conquerors, he had sense enough to know he was whipped. He was arrested and imprisoned by order of the President. When released and left free to act, he felt the time had come when he must choose between his own and some other country. He believed it was his interest, as it was certainly his choice, to remain in this government. If he remained, he must seek amnesty for the past and ask the protection of the government for the future. If it yielded that, he was in honor bound to return to his allegiance and make a good citizen if he could. Hence he had advocated every measure for reconstruction. When Congress, which had ultimate control of the question, proposed the Fourteenth Amendment to the Southern States, he advised such friends as sought his advice, that it was better to accept it, but the feeling was so overwhelming against it that no voice could sustain it then.

There was but one issue in the amendment, and that was the suffrage question, and that Congress left with the States to settle for themselves. If we voted the black race, we might count them in our representation. If we refused to vote them, we could not count them. That was right. In my judgment we acted very injudiciously. What followed? Supplemental reconstruction. I advised, on the passage of the first of these acts, that we should accept it. All that time it would have been easy for me who, without vanity I must say, had some popularity in my State, and had four times been elected its executive, and might have retained it, to have courted popularity; but duty dictated a different course. I followed it and have received the hearty denunciations of a large portion of my people for having done so. I have been denounced as an enemy of my race, and a traitor to the cause which has wrought so much evil. I do not think so. I think my course more honorable than that of the man who was a rebel and sought the same amnesty I received, and then stays in its bosom prepared to sting it when opportunity offers. When I fought, I fought you openly and boldly. When I surrendered, I surrendered in good faith; and when I took the oath, I took it with a purpose religiously to observe it. By my theory—and I had been taught that it was a true one—my primary allegiance was to the State. When I had formerly taken an oath to support the Constitution of the United States, I understood it to bind me only when my State remained in the Union. But she withdrew. I did not feel I had violated that oath when I went with my State. But the oath to which the President of the United States bound me was very different. I was sworn to support not only the Constitution but the Union of the States. When I did that, I abandoned the doctrine of secession from the Union. The Virginia and Kentucky resolutions that included the doctrine of secession, as I understood them, have always been the very platform upon which the Democracy have stood. But when the platform was knocked from under the feet of my party, I had nothing left to take hold of. As I understood them, the doctrines of Democracy were State sovereignty and the right of secession. The sword has established a different doctrine, and hence it is that I am no longer bound by allegiance to the Democratic party.

Mr. Brown added that this was unpopular doctrine in the

South, but there were many Democrats and large numbers of original secessionists in the South who now stood firmly by the Republican party.

Our Democratic friends there have opposed negro suffrage, and denounced it as an outrage upon manhood and society, and yet in the late elections there, the negro who voted the Democratic ticket was really a very respectable fellow, and a white man who voted the Republican ticket was a scalawag and a traitor. They tell us, "You establish negro supremacy in the South." Not so. While we grant to the colored people all their rights civil and political, we do not expect them to be our masters. We have the advantage in education and experience. We claim that we have the superiority of race. Tell me not, then, that the black people of Georgia can rule, when they are twenty thousand in the minority, and we have all these advantages. This is said with a view of prejudicing the Republican party North and South. It is not true in other States, even where the blacks are in the majority. If our white race act properly in this matter there will be no difficulty.

This speech was the sensation of the convention. Members hoped that others of the good men of the South might take their places by the side of Governor Brown, and, thus united, break down the intolerance that held that rich and attractive section in thrall, and prevented its proper development.

The reconstruction policy of Congress had the place of honor in the platform. The resolutions relating to it were brief and explicit.

1. We congratulate the country on the assured success of the reconstruction policy of Congress, as evidenced by the adoption in the majority of the States lately in rebellion of constitutions securing equal civil and political rights to all; and it is the duty of the government to sustain those constitutions and to prevent the people of such States from being remitted to a state of anarchy.

2. The guaranty by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

13. We highly commend the spirit of magnanimity and forbearance with which men who have served in the rebellion, but who now frankly and honestly coöperate with us in restoring the peace of the country and reconstructing the Southern State governments upon the basis of impartial justice and equal rights, are received back into the communion of the loyal people; and we favor the removal of the disqualifications and restrictions imposed upon the late rebels in the same measure as the spirit of disloyalty will die out, and as may be consistent with the safety of the loyal people.

14. We recognize the great principles laid down in the immortal Declaration of Independence as the true foundation of democratic government; and we hail with gladness every effort toward making these principles a living reality on every inch of American soil.

The party was committed to an economical administration of the government and to a reform of the abuses which had found lodgment in several departments under Mr. Johnson. And closely related to this pledge was the declaration: "*It is due to the labor of the nation that taxation should be equalized and reduced as rapidly as the national faith will permit.*" Wise statesmanship would certainly seek to effect this result as speedily as possible and remain inflexible in the execution of an impartial plan. But inquiries already prosecuted under the authority of the Treasury Department developed sharp antagonisms, and an unwillingness to yield any reduction in the protective advantages which a state of war had fostered. Certain interests even demanded an increase of the already high rates of duties. The wool-growers asked for an advance of duty to ten cents a pound specific and ten per cent. ad valorem on all importations of unwashed wool. To reimburse the manufacturer of woollens for this increase of taxation it was estimated that it would require the levying of a minimum of fifty-three cents on every pound of woollen goods imported. So if both parties obtained the expected increase of price (and if they should not they would fail of their object), the domestic consumers would be taxed to the extent of thirty-two millions of dollars per annum[1] over and above what they were

[1] Report of Special Commissioner of Revenue.

already paying. This illustration is given to show the complex nature of the problem before Congress. The Pennsylvania members, in order to preserve the tariff system, were hastening a reduction of internal taxes. And in this department, owing to a crude system, the government was the victim of gross frauds.

Meanwhile the Republicans in national convention denounced "all forms of repudiation as a national crime," and declared that the national honor required "the payment of the public indebtedness in the uttermost good faith to all creditors at home and abroad, not only according to the letter but the spirit of the laws under which it was contracted." It was recommended to Congress to extend the national debt "over a fair period for redemption," and to reduce the rate of interest whenever it could honestly be done. It was believed that the best policy to diminish the burden of debt was so to improve our credit that capitalists would seek to lend the government money at lower rates of interest. But "so long as repudiation, partial or total, open or covert, was threatened or suspected," the higher rates would be demanded.

Such benefits had been derived from immigration during the war, that the Republican party was now pledged "to foster and encourage it by a liberal and just policy," and to extend to naturalized citizens protection in all their rights of citizenship, as though they were native-born.

This being the first national convention since the death of the lamented Lincoln, a just tribute was paid to his memory. The volunteer soldiers and sailors, who marched to victory or to death under him as commander-in-chief, received generous recognition.

The nomination of General Grant for President had been long expected. "Gentlemen of the convention," said President Hawley, "you have six hundred and fifty votes, and you have given six hundred and fifty votes for General Ulysses S. Grant." The delegates and spectators rose and cheered, and the people ratified the selection in jollification meetings.

His character, his career and his genuine republicanism are his platform [said *Harper's Weekly*]. His clear sagacity and unsophisticated sense of justice assure the earnest radical; his coolness, prudence and moderation, the cautious conservative. The party extremes are felt to be balanced and tempered in him as in no other man.[1]

The experience following the selection of Andrew Johnson in the Baltimore convention excluded further experiments. The candidates named for the vice-presidency were men of the soundest republican convictions. Benjamin F. Wade, Reuben E. Fenton, Henry Wilson and Schuyler Colfax were the prominent men. Mr. Wade led for four ballots, and he would have received the nomination, which he merited, but for the opposition of four of the Ohio delegates. They refused to give him their support. On the fifth ballot Schuyler Colfax was nominated.[2] In his very brief and modest letter of acceptance General Grant refrained from discussing political questions. He approved the platform and added that a purely administrative officer should always be left free to execute the will of the people. Mr. Colfax, in his letter of acceptance, condensed into a few paragraphs the prominent political issues of the day. His style combined grace with vigor of expression. Referring to the policy of reconstruction he said:

Certainly no one ought to have claimed that they should be readmitted under such rules that their organization as States could ever again be used, as at the opening of the war, to defy the national authority or to destroy the national unity. . . . More clearly, too, than ever before does the nation now recognize that the greatest glory of a republic is, that it throws the shield of its protection over the humblest and the weakest of its people, and vindicates the rights of the poor and the powerless as faithfully as those of the rich and the powerful.

[1] May 23, 1868.

[2] On the first ballot Wade received 147 votes; Fenton, 126; Wilson, 119; Colfax, 115. The rest of the votes were divided among seven other candidates, On the fourth ballot the vote stood: Wade, 206; Fenton, 144; Wilson, 87; Colfax, 186. The break came on the next ballot, when Colfax received 541 votes.

The Democratic national convention was called to meet on the 4th of July in the city of New York. In imitation of the Republican management a soldiers' convention was also got up which had a small attendance. The great mass of the men who had been soldiers counted on the side with Grant. For some months great interest had been excited throughout the country by an agitation, which had its centre in Ohio, in favor of paying the national debt in depreciated currency. In that State the most active promoter of this plan of redemption was Washington McLean, and many attributed to him its authorship. He was a man of great force of character, and skilful in the game of practical politics. A generous and warm-hearted man, his friendships were not limited to the lines of the Democratic party, nor his influence to Democratic administrations. In the campaign of 1868 he is a conspicuous and interesting figure. His skill in forming combinations, his power to influence and control men, all the craft and cunning of the professional politician, were brought into requisition to meet men like gifted, namely the politicians of the New York school, the chief of whom was Samuel J. Tilden. The political game has rarely, if ever, been played in this country with such consummate craft and cunning as in Tammany Hall in the first week of July, 1868.

Before the country George H. Pendleton appeared as the author of the greenback fiscal plan, McLean's paper, the *Enquirer*, filling the rôle of organ for the statesman who had been the recognized champion of his party during the war. Mr. Pendleton was the logical candidate of the Democracy for the presidency. His culture, his personal popularity and his central location gave him some of the elements of strength most desirable in a national campaign. He was the only pronounced candidate before the convention met. Governor Seymour had been mentioned, but he declared he could not be a candidate. The names of General Hancock and Chief Justice Chase had also been used in connection with the nomination. In the opinion of many Democrats the election of General Grant over any of their own leaders was certain. The only

chance of bringing about a change of administration lay in the selection of a statesman possessing the public confidence who was identified with the prosecution of the war. It was known that Mr. Chase opposed the "Military Bill." He had joined in the judgment of the Supreme Court which set aside the Missouri test oath of loyalty and also in the opinion of the court which declared the act of January 24, 1865, requiring attorneys to take the oath of loyalty unconstitutional.[1] Personal friends of Mr. Chase intimated that he would accept the nomination, but that he abated no jot of his views in favor of equal suffrage and universal amnesty. In 1864 he hoped the Democratic party might be induced to incorporate equal rights for all men, without distinction of color, in their declaration of principles. He now added equal suffrage as essential to the complete regeneration of the party that had been compromised by slavery and by secession. It was understood that men of influence in New York were for him,—that Governor Seymour had said he was the only man who could defeat General Grant,—that the vote of that State was to be cast for him when the conditions should be favorable for his ultimate success in the convention. The selection of either the Chief Justice or General Hancock would be a condemnation of secession and of the course of the Democratic party during the war.

The friends of the Chase movement proposed in case of success to secure the second place for Sanford E. Church. On ascertaining this to be the fact, the managers for Mr. Pendleton made their first serious mistake. They attempted a combination with New York, by offering to the right-hand friends of Mr. Church the vice-presidency for their man. In the conferences that took place the friends of Pendleton declared that they were bound to rule the convention; that they would prevent the nomination of any other Western man, and that

[1] The opinion of the court was read by Justice Field. The dissenting opinion of Justice Miller is well worth a careful reading. A. H. Garland, an attorney of Arkansas, asked to be relieved from taking the test oath. After the judgment was rendered, the amendment to the second rule, which required the oath to be taken, was rescinded and annulled, Jan. 14, 1867.

this was the opportunity for Mr. Church to obtain national prominence. But they showed the weak point in their game by asking the help of New York to secure the repeal of the two-thirds rule. It was a fatal mistake. The Church candidacy, which was made to play a part in the Chase movement, was now used to cloak the master move of the New York politicians. There was a feeling of resentment because the Ohio people had taken seriously the declaration of Governor Seymour that he would not be a candidate, and presuming on that they had pushed their favorite, seeking combinations not at all to the liking of New York. A clever counter stroke was to suggest the candidacy of Senator Hendricks, thus threatening to divide the Pendleton strength. It was evident that the Ohio vote could not be turned to Chase, and without his own State even New York could not nominate him.

The New York leaders determined to bring about a reconsideration of the Seymour declination. Four days before the meeting of the convention, the *Sun* said:

> There seems to be a latent feeling of great strength and power that Seymour ought not to stand aloof and play the grand mufti business any longer. He is great, to be sure; but as Dominie Wilkins said of Washington, "Great God! he 's but a man, sir," and he ought not to be above place, and wish for it at one and the same time.[1]

From this time forth the warfare between Ohio and New York became bitter. The more candidates the merrier for the men who were playing for Seymour. Governor English of Connecticut, Joel Parker of New Jersey and Asa Packer of Pennsylvania were useful pawns in the game. The Hendricks men made a futile effort to form an alliance with the supporters of Governor English, who, it was humorously declared, consisted principally of Governor English and a few Connecticut cousins.

Account must be taken of a letter written by General Frank P. Blair to Colonel James O. Broadhead and widely circulated

[1] New York *Sun*, June 30th.

before the convention met, as it clearly indicates the spirit that finally controlled that body. After pointing out that the reconstruction policy of Congress would be completed before the election, that there was no possibility of changing the political character of the Senate and of undoing radical reconstruction by Congressional action, he asks:

> Must we submit to it? How can it be overthrown? It can only be overthrown by the authority of the executive. . . . There is but one way to restore the government and the Constitution, and that is for the President-elect to declare these acts null and void, compel the army to undo its usurpations at the South, disperse the carpet-bag State governments, allow the white people to reorganize their own governments, and elect Senators and Representatives. The House of Representatives will contain a majority of Democrats from the North and they will admit the Representatives elected by the white people of the South, and, with the coöperation of the President, it will not be difficult to compel the Senate to submit once more to the obligations of the Constitution. . . . I repeat that this is the real and only question which we should allow to control us. . . . We must restore the Constitution before we can restore the finances, and to do this we must have a President who will execute the will of the people by trampling into dust the usurpations of Congress known as the reconstruction acts. *I wish to stand before the convention upon this issue*, but it is one which embraces everything else that is of value in its large and comprehensive results.

The convention was called to order on Saturday, July 4th, by August Belmont, who welcomed its members to "Tammany Hall, the temple erected to the Goddess of Liberty by her staunchest defenders and most fervent worshippers, and to New York the bulwark of Democracy." They felt confident of victory.

> The people would remember the glorious record of peace and plenty, and the achievements for the country under the old Democratic administrations, and they would remember with sorrow that it was with the downfall of that party, in 1860, the war came which brought mourning, desolation and debt to our land. The people

would remember, too, that after the strife was over, when the braves of our army and navy and the sacrifices of our people had restored the Union, when the victor and the vanquished were equally ready to bury the past and hold out the hand of brotherhood, *it was again the defeat of the Democratic party in 1864 which prevented the consummation so devoutly wished by all!*

Henry S. Palmer of Wisconsin, temporary chairman, congratulated the country at large that on the anniversary of our nation's birth once more a convention of the Democracy of this country was assembled, in which all the States were represented, and he expressed the hope that this fact might be an omen of such unity of sentiment as should enable the convention to produce such a work as would commend itself to the approval of the people, and thus wrest the country from the control of a party which sought its destruction.

The friends of Mr. Pendleton wanted to proceed immediately to balloting, but after appointing the committee on resolutions the convention adjourned over until Monday. Governor Seymour was made permanent president. In his remarks he dwelt upon the crime of the Republican party in establishing a military despotism and overthrowing the liberty of the press. If Governor Seymour had taken the pains to read the Southern Democratic newspapers of the day he would have found that they were exercising the utmost freedom of speech. The Republican policy of reconstruction re-established and protected freedom of speech in the Southern States, thus benefiting the whole country. Continuing, Governor Seymour said:

> Having declared that the principles of the Declaration of Independence should be made a living reality on every inch of American soil, they put in nomination a military chieftain who stands at the head of that system of despotism which crushes beneath its feet the great principles of the Declaration of Independence.

The portion of his remarks entitled to consideration because of the attention he had bestowed upon economical subjects, was

that addressed to an exposition of the unsatisfactory condition of the revenue, taxation and finances of the United States. Of course the Republican party was arraigned for imposing oppressive taxes and for inflicting upon the country a depreciated currency. "Was it not a crime," he asked, "to force the creditors of this and other States to take a currency at times worth no more than forty cents on the dollar, in repayment of the sterling coin they gave to build roads and canals, which yield such ample returns of wealth and prosperity?" This was an extraordinary way to promote the interests of his candidate for the nomination, for Mr. Chase was the author of the legal-tender act which was passed by a reluctant Congress on his recommendation. But this exposition probably made the delegates all the more eager to adopt the Pendletonian platform.

Interest in the declaration of principles, which was adopted by the convention with great unanimity, attaches to two resolutions. The reader passes by the arraignment of the opposite party as a thing of course and goes direct to the propositions which gave vitality to the campaign. The party demanded:

> Payment of the public debt of the United States as rapidly as practicable; all moneys drawn from the people by taxation, except so much as is requisite for the necessities of the government, economically administered, being honestly applied to such payment, and where the obligations of the government do not expressly state upon their face, or the law under which they were issued does not provide that they shall be paid in coin, *they ought, in right and in justice, to be paid in the lawful money of the United States.*

This was interpreted by Mr. Pendleton (who as the highest authority in the country had the right to declare its meaning), in a speech at Grafton on the 16th of July, to mean an acceptance of his plan to pay the bonds in legal-tender currency. Neither the spirit nor the letter of the law under which these bonds were issued, he declared, nor good faith, nor good morals, nor exact justice to the bond-holder, required their payment in gold. We shall see how widely this plausible and

dangerous heresy was embraced by people lacking a nice sense of honor who were staunch Unionists during the war and supporters of the Thirteenth Amendment. The author of the greenback theory shrewdly calculated that in its propagation the secession record of the Democratic party would be lost sight of, and he was nearly right in his calculation. How soon would it be *practicable* to pay the debt on the Democratic plan? There were $330,000,000 of bonds held in the Treasury Department as security for the national bank circulation. Redeem them with legal-tender notes and let these supply the place of the bank paper. Five hundred millions of the first issue of 5–20's would fall due during the year. Let these be redeemed also in legal-tender notes. Where would these notes come from? From the Treasury Department, of course. Reverse Secretary McCulloch's whole policy of contraction; expand the currency to the needs of the business of the country, and trade would revive and business become active. By these two measures the public debt would be reduced $830,000,000, and the interest more than $50,000,000 in gold annually, and the accruing revenue would enable the government, without further expansion, to pay off the residue of the 5–20's as they matured, and thus diminish still further the amount of interest and consequently the taxes.[1] It was this easy road to wealth and prosperity by which voters were allured for a time within the Democratic fold.

The second distinctive and vital proposition was contained in the following declaration:

> And we do declare and resolve that ever since the people of the United States threw off all subjection to the British crown the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power, which can find no warrant in the Constitution, and, if sanctioned

[1] Speech of George H. Pendleton at Grafton. Cincinnati *Chronicle*, July 17, 1868.

by the people, will subvert our form of government, and can only end in a single, centralized and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a federal union of co-equal States. And that *we regard the reconstruction acts (so called) of Congress, as such, as usurpations and unconstitutional, revolutionary and void.*

This is the proposition which General Blair said he wished to stand upon before the convention. It was made a part of the platform of the party through the influence of General Wade Hampton, who represented South Carolina on the Committee on Resolutions.

The meaning of the Broadhead letter, approved by the incorporation of its essence in the platform of the party and the nomination of its author, fairly expressed, was this: "If we elect our President it will be his duty to use the army of the United States to overturn and disperse the State governments that have been erected in the South under the action of Congress." "That is rebellion; that is war," exclaimed Senator Morton.[1] The revolutionary character of the proposition restrained thousands from voting the Democratic ticket in 1868, who otherwise were inclined to support that party.

The resolutions were not reported and adopted until Tuesday. The business of balloting for a candidate was then seriously entered upon. The effort of Mr. Pendleton's friends to have the two-thirds rule rescinded failed of its purpose. He commanded the support of Illinois, Indiana and Ohio, and enough votes from other States to place him in the lead. Each delegate had one half a vote. The whole number of votes was 317, and 212 were necessary to a choice. Mr. Pendleton received 105 on the first ballot. Andrew Johnson came next with 65 votes, cast by Southern delegates who soon deserted him. The New York managers during Tuesday and Wednesday, with the help of Pennsylvania and New England, succeeded in killing off the most prominent candidates by

[1] Speech in reply to Garrett Davis, July 10. *Cong. Globe.*

transferring enough votes to some other candidate to change the lead. When on the eighth ballot Pendleton's vote reached within three of a majority, New York, apparently alarmed, dropped Church and went over to Hendricks. Hancock reached his highest vote—144½—on the eighteenth ballot. At this time a California delegate introduced the name of Chase. It was received with enthusiasm by the spectators, but the convention did not respond. New York was engaged in playing a subtle game—in bringing other delegations to accept the nomination of Horatio Seymour as the best solution of the complications. When the convention adjourned on Wednesday, a rumor was current that New York would, on Thursday, press the nomination of Chase—that Mr. Seymour would take the floor for the purpose of putting him in nomination on behalf of New York. If the nomination of Mr. Chase had been the real purpose, the delegation would have voted for him on Wednesday in response to the popular applause. That night Ohio resolved to exercise a decisive influence. The next morning the delegation withdrew the name of Pendleton. This was Governor Seymour's opportunity to perform the dramatic act of leaving the chair to place in nomination the Chief Justice. He remained silent. The speech he was said to have prepared for that purpose was never delivered. The voting was resumed. On the twenty-first ballot Hancock had 135½, and Hendricks 132; with 48½ divided among other candidates. A part of the Ohio delegates voted for Mr. Hendricks. The delegation withdrew for consultation, and on returning to the hall General McCook, chairman, said that at the unanimous request of Ohio, including Mr. Pendleton, he should again put in nomination Mr. Seymour, "though against his inclination, but no longer against his honor." Mr. Seymour, in the chair, responded by expressing his gratitude for the magnanimity of Ohio and the generosity of the convention, but he must stand on his conclusions against the world, concluding with the words, "Your candidate I cannot be." Mr. Vallandigham, standing upon his chair, shouted that in times of great calamity and danger it required a sacrifice of

personal feelings, that the safety of the Republic demanded that Mr. Seymour should be a candidate and Ohio would not accept his declination. Mr. Kernan of New York followed in an earnest appeal for Mr. Seymour. Amidst intense excitement the balloting proceeded. Mr. Seymour retired from the chair. Ohio remained firm. The votes of Massachusetts, Kentucky and Wisconsin were transferred to Seymour. When most of the other States had changed to Seymour, Mr. Tilden expressed his gratitude to Ohio for bringing about the nomination of the favorite of the State that had most persistently opposed Mr. Pendleton, and closed by casting the vote of New York for Seymour.[1]

The purpose of Ohio's tactics has been misunderstood. The managers of Mr. Pendleton's candidacy did not fear the nomination of Mr. Chase. They did fear such a combination between New York and Indiana as should make Mr. Hendricks the candidate. Finding that their own candidate could not

[1] Whatever may have been Governor Seymour's personal feelings at the time, the course taken in relation to the nomination of Chief Justice Chase was the very one calculated most certainly to defeat its accomplishment. Alexander Long of Ohio, an original Chase man, was in constant communication with the adroit New York managers who brought about the complications which resulted in the naming of Mr. Seymour. Mr. Long was led to believe that on Thursday morning Mr. Seymour, on his way to the convention and less than two hours before he was nominated, read to Dr. Thomas Ottman of New York an elaborately prepared speech, which he intended to make on seconding the nomination of the Chief Justice on behalf of New York. (Letter of Alex. Long, Cincinnati *Chronicle*.) Mr. Long declared soon after the convention closed that Mr. Vallandigham was "entitled to all the honor that attaches to the nomination of Horatio Seymour." His description of the scene when Governor Seymour withdrew from the stage is graphic. He wrote:

"Mr. Tilden, it seems, was the first to look after the Governor in the confusion that followed, and found him in the ante-room adjoining the stage, suffused in tears, and immediately beat a retreat from the scene of his achievements, and as he led the Governor down the stairway, with the tears yet in his eyes, he met his old friend Peter Harvey, of Boston, one of the vice-presidents of the convention, when he seized him by the hand and exclaimed, 'Pity me, Harvey, pity me.'"

The reader will be able to determine from the context, despite Mr. Long's somewhat novel use of pronouns, that it was the unfortunate nominee, and not Mr. Tilden, who besought the pity of Mr. Harvey. *Harper's Weekly* hit off the comedy after the following fashion:

win against the two-thirds rule, they decided to put the great State of New York under such obligation to Mr. Pendleton, that when his name should again be presented in a national convention support instead of opposition might reasonably be counted on. Magnanimity is a manifestation of superior wisdom at all times. This is as true in the game of politics as in other human affairs. The ticket was completed by the nomination on the first ballot of General Frank P. Blair for Vice-President.

Old friends of Mr. Chase never ceased to regret his part in this New York convention. It was a great mistake. Unquestionably his great ambition to be President influenced his inclination, but he could not sacrifice his early convictions as to human rights. He had in mind a party cherishing the pure democratic principles of the author of the Declaration of Independence. Thus shortly before the convening of the delegates in New York he expressed his wish in the following explicit language: "It is an intense desire with me to see the

"We are treated to a scene of unusual interest when Seymour, locked in the arms of Tilden, was observed in tears, still refusing to serve:

"*The West.*—Do, good my lord, the citizens entreat you.
The South.—Refuse not, mighty lord, this proffered love.
Seymour.—Will you enforce me to a world of cares?
I am not made of stone,
But penetrable to your kind entreaties,
(*Continues to shed tears*)
Albeit against my conscience and my soul.
Since you will buckle fortune on my back,
To bear her burden whe'r I will or no,
I must have patience to endure the load:
But if black scandal or foul-faced reproach
Attend the sequel of your imposition,
Your mere enforcement shall acquittance me
From all the impure blots and stains thereof;
For God doth know, and you may partly see,
How far I am from the desire of this.

"The wires had scarcely flashed the news—for such it was—of his nomination over the city, when a vehicle drawn by eight elegant horses, heralded by a loud bell, was observed, bearing a *well-dried* placard, in large, well-painted letters, announcing that Horatio Seymour, the favorite son of New York, had been nominated and would be elected to the presidency!"

Democratic party *meeting the questions of the day in the spirit of the day*, and assuring to itself a long duration of ascendency. It can do so, if it will." It was a dream. The Democratic party of slavery propagandism, of Pierce, Buchanan and Seymour never could be made to stand upon a democratic platform of equal rights. We get a glimpse of the disgust the Tammany Hall platform excited in him, and of his relations to policies and individuals in a private letter to Whitelaw Reid, to whose courtesy I am indebted for a copy. Mr. Chase was adrift upon the sea of independence. He wrote from Narragansett [1]:

. . . I dare say you will be surprised at my shortness of memory; but I really have forgotten pretty much all that was in the memorandum that I handed you in Washington. You see what need I have to stick to that which can never contradict itself—the truth. Yet even the truth as to my feelings and impressions and even convictions may change so much as to give to expressions at one time the appearance of contradiction to statements made at another.

. . . I am glad and thankful that I was not nominated at New York. I am very sorry that the platform of the convention was such as it was made through the ultra anti-reconstructionists and the unfortunate support which their wishes met from the Blair letter, and through the Blair nomination interpreted by that letter.

. . . I do not want to be understood as having any sentiment

[1] August 23, 1868. This was the time when Mr. Reid was about to sever his connection with the Cincinnati *Gazette* and join Mr. Greeley. "I am glad," said Mr. Chase, "and yet sorry that you are going to New York on the *Tribune*. You are needed by the Western Republicans more than by New York." *MS.* The same to the same, Washington, Oct. 31, 1868:

"My dear Reid:

". . . You could not have inferred how greatly obliged to you I feel by all your kind endeavors to protect my reputation, though I am afraid I am more indifferent to misrepresentation than my friends are. A very curiously contrasted character of me might be very easily made out from the writings and sayings of the same man at different times. The election will soon be over now, and I hope we shall have peace. Grant will doubtless be elected. What we shall have besides peace who can tell?

Faithfully yours,

"S. P. Chase." *MS.*

but respect and general concurrence of sentiment for Mr. Seymour. Without a platform, and free from the influences of violent and rash men, I believe the national administration would be safe in his hands. I have known him, more through mutual friends than personally, for a good while, and have always had very kindly feelings toward him. When we have differed most, I have never heard of an unkind or an ungracious expression from him.

Nor do I want it understood that I would not vote for some Democrats as against some Republicans. For example: I remember well the extreme virulence of Mr. Eggleston[1] during the impeachment, and his reported declaration how he would strip the Chief Justice of his robes if he could; and I do not think there is anything in his Republicanism or in his usefulness as a Representative, which would require me to give my vote to him rather than to Strader. I think it will be much better for the country to have no more two-thirds majorities, and such men as he is can be best spared. So, too, I should be inclined, notwithstanding his financial errors, as I think them, to give a vote, if I had one in the district, to Cary.[2] I like him for his independence. Very likely, however, I shall not vote at all this year. I shall if it is convenient to do so; but may not think it worth while to put myself to the trouble of a long and expensive journey for that purpose. You are quite right in saying that "the Republicans have not of late given me any great encouragement to help them."

The canvass was conducted with vigor on both sides. The Democrats strengthened themselves in Indiana by nominating Mr. Hendricks for Governor, and by generally selecting good men for local offices and for candidates for Congress. All their efforts to cover up the record of the past by making the national debt the paramount question were futile, because the debt resulted from rebellion. They were placed on the defensive, and no management, though never so skilful, could

[1] Benjamin Eggleston, who represented the First Congressional district of Ohio (Mr. Chase's home district). He was an extreme partisan and had never been friendly towards the Chief Justice.

[2] Samuel F. Cary, who was elected as an independent Republican in the Second district, to succeed General Hayes. He became a Greenback propagandist, and then a Democrat.

relieve the party from the odium it had incurred. It was the mission of General Blair to undo much that the other leaders in the North did to turn public attention to financial and industrial questions. These he declared could not be considered intelligently until revolution accomplished the overthrow of all that Congress had done in the way of reconstruction. As the campaign advanced he grew more and more imprudent—even to the rashness of suggesting the assassination of General Grant, whom he represented as ambitious for power to crush the States and the liberties of the people and make himself imperator.[1] Maine's response was a large Republican majority. The October States all voted the same way, which showed the popular drift. In Indiana Mr. Hendricks was defeated by Conrad Baker.

Following the October elections there was a state of panic in the Democratic ranks. The New York *World* advised and demanded a change of front. An "inspired" editorial containing similar advice appeared in the *Intelligencer*. The Richmond *Despatch* said if Chase had received the nomination he could have been elected. There was talk of making the ticket Chase and Adams, in case of the withdrawal of Seymour and Blair. There were consultations in Washington and New York. The conclusion reached in New York by the party leaders was, that to change would be a fatal confession of weakness from which the party could not rally. It was de-

[1] The passage in the speech of General Blair at St. Louis, to which reference is made in the text and which attracted wide attention, is as follows:

"The point to which I desire to bring you is this: that in this struggle we have everything at stake; it is the final and last struggle for the preservation of free constitutional government in America; that if we fail in it the Republic fails with us. It becomes a mere appendage of the military chieftain, who was lifted to power in the name of the President, but who will never leave the presidential mansion alive. I know that gentleman well. He comes back a conqueror, and as by treating these States, in violation of the Constitution, as conquered provinces he shows his intention to treat the whole people of the country as conquered provinces, if he should ever be able to make that one stepping-stone, and arm himself with the presidential power. That is my judgment of his character and design."—The St. Louis *Times*. The *Democrat* confirmed the report. The *Times* was General Blair's organ.

cided to keep General Blair in the background and that Governor Seymour should take part in the canvass. The speeches he made in western New York, Ohio, Illinois and Pennsylvania were largely devoted to the task of allaying popular apprehensions as to the danger of placing the national government again in the control of the Democratic party. It all would not do. Confidence could not be restored so soon after the experiences of the war. All of the States, except Mississippi, Texas and Virginia were represented in the electoral college. Two hundred and fourteen electors voted for General Grant and eighty for Governor Seymour. The latter carried his own State, New Jersey, Delaware, Maryland, Georgia, Louisiana, Kentucky and Oregon. General Grant's majority on the popular vote was 309,584; but this leaves standing against him in the count the questionable vote of Louisiana.

Plaquemining, practised in the days of John Slidell, now gave place to a less expensive but more bloody system of frauds upon the elective franchise. Louisiana was given over to rioting and assassination in 1868 as the method of a party to have its will at the polls. Immunity from punishment for a murderous assault upon a constitutional convention, peaceably assembled in the city of New Orleans, encouraged the Democratic leaders to attempt a campaign of violence on a more extensive theatre to promote the candidacy of Seymour and Blair. A brief reference to the bloody carnival of one day and night will suffice for a description of the lawlessness that had possession of the State for weeks.

During the whole of yesterday and last night [wrote a correspondent to the New York *Times*] the Seymour and Blair rebel clubs had the city of New Orleans virtually in their control. They were out in all parts of town, fully armed, some as infantry, others as cavalry, and others still as private citizens, bearing small weapons as if for assassination purposes. During the night the houses of many leading Republicans were visited by bands of mounted men, who, in some cases were content to rob their victims of their money, while in others, after robbing and plundering, they destroyed the furniture and left the place in ruins. Early in the evening several

hundred armed and excited rebels gathered around police headquarters, fully resolved to seize upon them and to create a new police more to their liking than the present metropolitan force. While this crowd stood near the City Hall and close to the police station, the "Innocents," a Seymour club, composed chiefly of the most desperate men in the city, paraded crying: "Death to all carpet-baggers"; "Death to niggers"; "Three cheers for Blair"; "Death to Grant"; "We are going to rule"; etc. To-day again the "Innocents" are out and parading the streets in small bands, killing inoffensive black men here and there. The city is in a state of anarchy, and were it not for the military authority not one leading Republican would be alive this morning.

One half of the country districts were given over to midnight raids, secret murders and open riots, which kept the people in constant terror. In the parish of Caddo, the newly organized Ku-Klux "killed and wounded over two hundred Republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot, and twenty-five dead bodies were found buried in a pile in the woods."[1] And the report from which the account relating to Caddo parish is taken sums up the casualties in the State preceding the election as "over two thousand persons killed, wounded and otherwise injured." The force at the disposal of General Rousseau, who was in command of the district, was inadequate to deal with a conspiracy so widespread. When asked by a correspondent of the New York *Herald*, whether he expected to have a fair and peaceable election, he replied: "*There will be no election in Louisiana.* You can telegraph that fact. The radicals will not vote, they dare not, indeed. *Whatever show of an election there is will be either a farce or a tragedy.* I shall do my best to prevent the tragedy." General Rousseau's relief was infinite when he learned that the Republicans had decided to leave the polls to the triumphant Democracy.[2] The criticism passed upon him by others remote from the

[1] Report of Congressional Committee of Investigation.
[2] New Orleans *Republican*, November 5th.

scene was, that his achievement fell far short of what the occasion required.[1] It is not surprising that in Caddo parish, which was largely Republican, but one vote was cast for General Grant; nor that the "Innocents," who voted with great frequency and industry, when not engaged in shooting members of the opposite party, were able to return a majority of 47,000 for Seymour and Blair, which was nearly two thousand greater than the entire registered white vote of Louisiana in 1867.

Mississippi, Texas and Virginia were excluded from the electoral college by a joint resolution passed by Congress in July. It provided that none of the rebellious States should be entitled to electoral votes unless at the time prescribed for the election such State had adopted a constitution since the 4th of March, 1867, under which a State government had been organized; unless the election was held under the authority of that government; and unless the State had become entitled to representation in Congress under the reconstruction laws.[2] As the time drew near for counting the electoral vote, Mr. Edmunds introduced in the Senate a concurrent resolution supplemental to the joint resolution of July, 1868, which provided that, on the assembling of the two Houses on the second Wednesday of February, 1869, for the counting of the electoral votes,

> as provided by law and the joint rules, if the counting or omitting to count the electoral votes, if any, which may be presented as of the State of Georgia, shall not essentially change the result, in that case they shall be reported by the President of the Senate in the following manner: Were the votes presented, as of the State of Georgia, to be counted, the result would be, for ——— for President of the United States, — votes; but in either case ——— is elected President of the United States; and in the same manner for Vice-President.

[1] Cincinnati *Chronicle*, November 10th.

[2] The joint resolution was vetoed by the President, July 20th, and was subsequently passed over the veto by both Houses.

The resolution met the opposition of Mr. Hendricks and other Democratic Senators. Mr. Trumbull thought it better to count the vote of Georgia and say nothing about it. The resolution was adopted by both Houses. When Louisiana was reached in the count on the 10th of February, Mr. Mullins of Tennessee objected to counting the vote on the ground that there had been no valid election in that State. The twenty-second joint rule under which the convention was acting required that, upon objection being made to counting the vote of any State, each House should separately consider and decide on the question raised. Accordingly, the Senate withdrew. Both Houses decided to count the vote. When the State of Georgia was announced, Mr. Butler of Massachusetts objected to counting the vote: (1) Because the vote of the electors in the electoral college was not given on the first Wednesday of December, as required by law. (2) Because at the date of the election the State of Georgia had not been admitted to representation in Congress. (3) Because the State had not complied with the requirements of the reconstruction laws. (4) Because the election was not a free, just, equal and fair election. The Senate withdrew as before, and decided that under the Edmunds concurrent resolution objections to the counting of the vote were not in order. The House decided that the vote should not be counted. The joint convention was resumed, and amid great confusion and loud objections by Mr. Butler the Vice-President ordered the result to be announced. And having declared the result of the count he added: "The object for which the House and Senate have assembled in joint convention having transpired, the Senate will retire to its chamber." [1]

When the Speaker called the House to order, Mr. Butler rose to a question of privilege and offered a resolution declaring "that the counting of the vote of Georgia by the order of the Vice-President *pro tempore* was a gross act of oppression and an invasion of the rights and privileges of the House." Before hearing Mr. Butler, the Speaker with great clearness

[1] *Annual Cyclopædia*, 1869.

recounted the history of the joint rules, the apparent conflict in which produced the excitement in the joint convention of the two Houses. The twenty-second joint rule, adopted February 6, 1865, provided not only that in case any question should arise in regard to counting the vote of a State, the question should be considered by the Houses separately, but that no question should be decided affirmatively, and no vote objected to should be counted except by the concurrent votes of the two Houses. The Edmunds concurrent resolution withdrew the State of Georgia from the operation of the twenty-second joint rule. Hence the confusion. The Vice-President in counting the vote complied with the later and repealing law which the two Houses had made.

In discussing the question Mr. Butler took exception to all of the rules which the two Houses had formed to govern the counting of the electoral votes.

> The Constitution says that the President of the Senate shall open in convention all of the votes of all of the States, and they shall be therein counted, and it is as impossible for this House or the Senate, either jointly or separately, in concurrence or otherwise, to stop the operation of that constitutional enactment as it is to turn back the sun in its course. . . . If the House and the Senate, by joint action before had, can determine what votes shall be counted and what votes shall not be counted, then the House and the Senate can determine who is and who is not to be the President of the United States.

In the opinion of Mr. Eldridge of Wisconsin, the concurrent resolution and the twenty-second joint rule of the two Houses were both in contravention of the Constitution. It was the duty of the Senate and House in convention, if the certificate of a State was in form, to count the votes therein—not merely as a matter of count, but for the purpose of ascertaining the result. Butler was generally censured for making a scene. When roused, his manner was domineering, his language rancorous and coarse. All resolutions relating to the disgraceful scene in the convention, offered in the House, were laid on the table and nothing further was heard of the twenty-second joint rule until some years later.

CHAPTER XII

THE FIFTEENTH AMENDMENT—THE SOUTH COÖPERATES IN RECONSTRUCTION

THE last annual message of President Johnson displays his stubborn nature most completely. The tone is belligerent; references to the reconstruction measures of Congress are highly disrespectful, even insolent; and the treatment of fiscal questions is uncandid and reckless. The President declared that after a fair trial the reconstruction measures had failed and proved pernicious in their results, and there seemed to be no good reason why they should remain upon the statute book. He contrasted with these the policy of the executive which, he said, "had brought the work of restoration as near completion as was within the scope of its authority, and the nation was encouraged by the prospect of an early and satisfactory adjustment of all its difficulties." Congress, however, intervened; adopted a series of measures which arrested the progress of restoration, frustrated all that had been so successfully accomplished, and, after three years of agitation and strife had left the country further from the attainment of union and fraternal feeling than at the inception of the Congressional plan of reconstruction. In all this the President was seeking his own vindication. No account was taken of the effort made, before Congress enacted the reconstruction laws, by the insurrectionary States, with the acquiescence of the President, to place four millions of people in a state of subjection more inhuman than their previous condition of servitude. Mr. Lincoln proposed to make the loyal white

inhabitants of a State, if one tenth of the whole of the whites, the governing power of the State. He hoped they might accept the aid of such blacks as could read and such as had served in the Union army as soldiers. Congress included all of the blacks, and restored to citizenship, with a few thousand exceptions, all who had borne arms against the government. Before administering this lecture, the President issued a proclamation in which he declared a full amnesty to all persons guilty of treason against the United States, except those who were already indicted for this offence. On the 25th of December he issued still another proclamation in which pardon and amnesty were granted to a like class of offenders, without exception.[1] With this closed Andrew Johnson's connection with the work of restoration.

He did not fail, however, on his retirement from the White House to fire a Parthian shot at Congress in an address to the people of the United States. He described the members of Congress as men who, "when the rebellion was being suppressed by the volunteered services of patriot soldiers amid the dangers of the battle-field, crept without question into place and power in the national councils." After an attempt to apply this to Sumner and to many other distinguished statesmen in the two Houses associated with him in originating legislation for the defence of the government and the preservation of the Union, the reader will not attach much importance to the "catalogue of crimes" which Mr. Johnson sets down to their dishonor. Aside from the evidence it gives of a personal grievance and its display of passion, the address is not lacking in dignity and force as an explanation of his course as chief magistrate. "My sole ambition," he declares, "has been to restore the Union of the States, faithfully to execute the office of President, and, to the best of my ability, to pre-

[1] Mr. Johnson, in his address on retiring from the office of President, taxes Congress with the responsibility for the failure to bring Jefferson Davis to trial. "Indeed," he adds, "the remarkable failures in his case were so often repeated that, for propriety's sake, if for no other reason, it became at last necessary to extend to him an unconditional pardon."

serve, protect and defend the Constitution." One is prepared to accept this statement as a truthful summing up of Mr. Johnson's aspirations, while deploring his defects of character and education which unfitted him for the office of President.

Recommendations of economy in expenditures and an early liquidation of the public debt in the annual message were followed by a mischievous suggestion of repudiation. It was the argument of the demagogue:

> Our national credit [Mr. Johnson said] should be sacredly observed, but in making provision for our creditors we should not forget what is due to the masses of the people. It may be assumed that the holders of our securities have already received upon their bonds a larger amount than their original investment, measured by a gold standard. Upon this statement of facts it would seem but just and equitable that the six per cent. interest now paid by the government should be applied to the reduction of the principal in semi-annual installments which in sixteen years and eight months would liquidate the entire national debt.

It is not to be supposed that Mr. Johnson did not know that such a suggestion, emanating from the executive, would embarrass the government in funding the public debt. Fortunately Congress in dealing with the question would soon have the coöperation of a President in favor of preserving the faith of the nation.

Legislation, other than that relating to reconstruction, during the last year of the Johnson administration, contained much of interest. Congress repealed the cotton tax and established eight hours as a working day; the right of expatriation was declared, and it was made the duty of the executive to give to naturalized citizens the same protection as to native-born; it was provided that in case of a vacancy in the office of Chief Justice of the Supreme Court of the United States the senior Associate Justice should discharge the duties until the vacancy should be filled; the withdrawal of the Freedmen's Bureau from the several States in which it had been in operation was directed to take effect on January 1, 1869. But the educa-

tional department of the bureau, and the collection and payment of money due to soldiers were continued. The Senate ratified the new treaty with China, which was a radical departure from the long-established policy of that country. She now accepted the principles of Western international law, and in return the treaty secured to the empire the privilege enjoyed by other nations under that law—the right of eminent domain over land and water, granted by concession to citizens or subjects of other Powers, and jurisdiction over persons and property therein, the right of appointing consuls at the ports of the United States, and the power of the government to grant or withhold commercial privileges and immunities at its own discretion, subject to treaty—China undertaking to observe corresponding obligations towards other nations. The treaty secured exemption from all disability or persecution on account of religious faith in either country. It granted the Chinese permission to attend our schools and colleges, and allowed Americans to establish and maintain schools in China. It made the coolie traffic illegal. It recognized the right of voluntary emigration, and pledged privileges as to travel and residence in either country.

The making of this treaty was regarded as a brilliant achievement in diplomacy. Mr. Burlingame, the American minister, won the confidence of the Chinese government and the respect of the representatives of the European nations. When he announced his intention to return to the United States, he was asked to become the envoy of China to all the Western Powers. He accepted the commission. With him were associated two Chinese gentlemen of the highest rank, and his suite altogether numbered about thirty persons. The ceremonies attending the reception of this formidable embassy excited a lively interest in the United States.

The new year opened with two subjects of supreme importance under discussion: an extension of the franchise and a return to specie payments. Many Republicans felt that the party had been placed in a false position by urging impartial suffrage in the South while Northern communities were

withholding the right from the colored people. The discussion began early in December on a proposition made by Mr. Henderson of Missouri to submit to the States a constitutional amendment in these words: "No State shall deny or abridge the right of its citizens to vote and hold office on account of race, color or previous condition." A similar proposition was offered in the House by Mr. Kelley. Although attempts were made in both Houses to amend the article first brought forward by Mr. Henderson, it passed through the furnace of debate but little changed.

> We are willing to face the question at all times [said the Cincinnati *Gazette*] but we wish to notify those who think that it can be slipped in without a full popular canvass that they are cheating themselves. If we can ratify a universal amendment we can change our State constitution to secure the same thing.[1]

Whereupon Governor Hayes remarked that he was prepared to discuss the question in any form before the people. The fight would be won in Ohio if a Republican Legislature could be carried.

Senator Morgan of New York did not see that the plan was practicable. Universal suffrage had been voted down in a good many of the Northern States, and he supposed it would be out of order for the Legislatures of those States to accept the proposed amendment against the will of the people. A three-fourths majority could not consequently be secured.[2] This view was entertained by many who favored the principle. They thought the time inopportune. The majority in Congress, voting down all motions calculated to endanger the proposition, carried the measure through. Mr. Dixon of Connecticut moved to submit the resolution to conventions of the people instead of State Legislatures, which received the support of the Democratic members. The reason for the motion was that the Legislatures had not been chosen for the purpose of changing the suffrage laws of the States; and that the peo-

[1] January 4th.

[2] Interview in the New York *Herald*. Mr. Morgan subsequently voted for the Fifteenth Amendment.

ple ought to have an opportunity to consider and pass upon the proposition disconnected from every other question. Mr. Boutwell, in an elaborate speech, took the extreme ground that the Constitution conferred upon Congress the power to regulate the franchise. That is, that the power to regulate elections was in the States, subject to the supreme control of the general government. He cited as specially pertinent the fourth section of the first article of the Constitution. Senator Sumner also held that this power belonged to the national legislature. In opposition to this claim was brought forward the practice which had conceded the right to the States. Mr. Eldridge of Wisconsin quoted Hamilton[1] and Story in reply to Mr. Boutwell. The introduction of a clause into the national Constitution, said Story, to regulate the State elections of the members of the State Legislatures, would be deemed a most unwarrantable transfer of power, indicating a premeditated design to destroy the State governments.[2]

Senator Howard of Michigan, calling attention to the anomaly in the Constitution of the United States, said that while to all other governments pertains the faculty of regulating and prescribing the qualifications of voters, it is a singular fact that no such faculty belongs to the government of the United States. The first clause of the Constitution, so much relied on by both Mr. Boutwell and Mr. Sumner, although it does not impart any powers to the States in reference to the qualification of electors,

> recognizes the undoubted fact that the States then possessed the right to prescribe qualifications for the electors within their own limits, and authorizes those same electors to be the electors of the Representatives in Congress, and of the electors of President and Vice-President, so that it has always been out of the power of Congress, under the Constitution, to prescribe who shall and who shall not vote for Representatives in Congress or for electors of President and Vice-President.[3]

[1] No. 59 of the *Federalist*.
[2] Story, *On the Constitution*, Sec. 819.
[3] *Annual Cyclopædia*, 1869.

Mr. Warner of Alabama thought it competent for the people to change or amend the Constitution at any time. A substitute offered by him contained a proposition of universal suffrage and universal amnesty. Mr. Willey of West Virginia thought the time had not come when the safety and public peace of the country would justify universal amnesty. The entertainment of this opinion by some and the zeal with which the proposition was pressed, invited the remark that the Republican party was seeking to perpetuate its power by extraordinary legislation. Mr. Wilson replied that it was well known that the whole struggle to give equal rights and privileges to all citizens had been an unpopular one, that it had been waged against passions and prejudices engendered by generations of wrong and oppression. His declaration that the contest had cost the Republican party a quarter of a million of votes was unquestionably warranted by the facts.

The debate developed the hold the doctrine of a partnership of States still had on some of the Democratic leaders. Mr. Saulsbury of Delaware still held to this doctrine, which Senator Morton declared continued to exist as snow sometimes exists in the lap of summer, when it is concealed behind the cliffs and the hedges and in the clefts of the rocks. Mr. Morton made clear a distinction too little noted: We have State rights, but have no State sovereignty, and never had. "The States have certain rights that are guaranteed to them by the Constitution of the United States, just as we have rights secured to us both by the federal and State constitutions." Mr. Hendricks thought there was a limit to the power to amend the Constitution, and that it was exceeded when Congress by amendment undertook to change our system of government. Mr. Drake declared that so far as amendment is concerned there is no limit. There is no word in the Constitution justifying any such conclusion. In one article it is declared that no amendment should be made before 1808 to interfere with the African slave trade. After the lapse of eighty years the same spirit inspired the response that there was no power in the Constitution to make an amendment

which should give the right of suffrage to that long-enslaved race.

Mr. Edmunds held that political privileges had already been secured to that race by the Fourteenth Amendment. He said:

> There is no qualification or limitation, but words the most comprehensive possible in a statute or in a constitution are used. I believe that every citizen of the United States, in respect to whom political rights can be asserted at all, is entitled now to exercise political privileges; and therefore, if there is any man in the United States who was before that amendment entitled to exercise political privileges, that amendment extended to all the citizens similarly situated, without arbitrary and mere fanciful distinctions, such as color, nativity, education or of religion, an equal right.

Mr. Drake said that if the construction urged by Senator Edmunds was correct, then every single provision contained in every State constitution was wiped out by a single sentence in the Fourteenth Amendment, except the mere requirement that the man shall be a citizen of the United States. He did not regard that as a correct construction of the sentence. Mr. Edmunds retorted that he did not think it would be very frightful if it should happen that the clause in the constitution of New Hampshire requiring a certain religious test for holding office, or the clause in any other State constitution limiting the right to vote to persons of a particular race, were swept away. "The question after all is what is the fair legal construction that can be fairly put upon language which is to be interpreted favorably and beneficially for the enlargement of the rights of men." Mr. Sumner, in confirmation of this view, declared that he, Mr. Yates, and others had defeated the amendment as it came from the House because it conceded to States the power to discriminate against colored persons; and that they had sustained the article as it finally stood, avowedly, because it did no such thing.

That there might be no question as to the intent of Congress, it was determined to propose to the States another amendment which should incorporate impartial suffrage in the

Constitution as had been done tentatively in the reconstruction laws. The proposition finally took the following form:

Article XV., Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

By the amendment Congress surrendered some of the power over representation in the South which it possessed under the Fourteenth Amendment. In case of the denial of suffrage to the negro by a State, the Fifteenth Amendment leaves the remedy by legal process in the Supreme Court. In the light of experience this is at best a precarious reliance for the establishment of the principle of equity which the Congress hoped to make a part of the fundamental law. If ever recognized in spirit, it will be after education has accomplished its perfect work of enlightenment. The second section of the Fourteenth Amendment made representation in the national legislature and in the electoral college depend upon the extent of suffrage in the Southern States. It was thus in the power of the white people to regulate the exercise of the right peacefully. The attempt to establish the principle of impartial suffrage by direct legislation has led since to much violence and bloodshed.

The opinion that reform was needed as to the modes of appointment to civil offices under the government found practical expression in the House. Mr. Jenckes of Rhode Island introduced a bill[1] which provided for competitive examinations precedent to appointment, to the exclusion of political requirements and personal influence in making selections. The measure was to apply to minor offices, mostly clerkships, and

[1] Mr. Jenckes was the author of three bills relating to the civil service. The first was introduced in the House in December, 1866; the second in March, 1868; and the third in April, 1869.

was merely tentative. It was an invasion of the politicians' right to the "spoils of office," and incurred vigorous opposition. General Logan saw in it the possibilities of an aristocracy, not unlike that which West Point had given to the army. He was opposed to anything like a life tenure in the offices which the bill of Mr. Jenckes was designed to regulate. To this the author replied that it proposed that the incumbent of an office should hold it only during the efficiency of his service, which was an entirely different thing.[1] This did not fail to elicit the remark that to turn men adrift when by age or incapacity they were rendered incapable of other pursuits was a species of inhumanity for which the government ought not to become responsible.

The criticism made by a highly intelligent observer of the working of the civil service was, that the head of a bureau, if experienced therein, should be better able than any one else to judge the qualifications of those proposed for service under him, and if he was the man he should be, his anxiety for the efficiency of his subordinate corps would be as good a safeguard as could be had of a just examination. Allowing that the board proposed by Mr. Jenckes would do its work with average fairness and good judgment, the fact remained, which every experienced officer would attest, that examinations often prove deceptive as to the real merits of candidates. The most essential qualities in a public officer—the moral elements of the man, his character, his integrity, honor, discretion, practical judgment, good temper and courtesy of demeanor—"are not taken note of in the book which records his intellectual fitness." It was right here that the appointing power has always especially needed to exercise a wise discretion; and yet Mr. Jenckes's bill left the appointing power no option between any candidate that might stand high on the record and one lower down, though in point of character the latter might be immeasurably superior.[2] These objections received consideration in the public discussions at a later day.

The whole country felt relieved when the day arrived that

[1] *Cong. Globe*, January 8, 1869. [2] Cincinnati *Chronicle*, December 14, 1868.

should witness the close of the ill-starred administration of Andrew Johnson. People gathered from all sections of the United States in unusual numbers, for the fame of the great soldier had lost none of its power of attraction. The newly enfranchised people were represented as well as the more favored race. A company of fifty colored men, who walked all the way from North Carolina, attracted much attention; while marching with other militia and the "boys in blue," the colored zouaves received a fair share of public applause for their good drill. General Grant, attired in a plain civilian suit of black and "Bismarck" colored gloves, rode in an open carriage with General Rawlins by his side. In a carriage immediately following were Mr. Colfax and Admiral Bailey. The reception accorded General Grant and Mr. Colfax was cordial and enthusiastic.

Awaiting the arrival of this distinguished party, there was a vast audience in the Senate chamber. Edward Thornton, the British minister, and representatives of other governments in court costume were on the floor with Generals Sherman, Thomas, Hancock, Terry, Heintzelman, McDowell, Sickles and Butterfield and Admirals Farragut and Porter. The families and friends of the foreign ministers filled the diplomatic gallery. In the gallery adjoining were the families of Mr. Wade, Mr. Colfax and General Grant. The other galleries were occupied mostly by ladies. The prevailing colors for dresses were blue and green, while the hats were white. Horace Greeley, in the press gallery, divided the attention of the curious on-lookers with the high officials on the floor. At twelve o'clock General Grant, accompanied by Senators Yates, Cragin and McCreery, entered, and seated himself in front of the Chief Justice, facing the whole house. He was apparently as calm and unconcerned as if in his own parlor. Mr. Wade took his place, rapped to order, and (omitting the usual formula) said: "The Vice-President of the United States will advance and be inaugurated"—whereat a smile lit up the faces of the old Senators. With becoming solemnity the oath was administered to the Vice-President, after he had spoken

a few modest words, when Mr. Wade declared the Senate adjourned.

Let us pause before the Vice-President takes up the gavel which his predecessor had laid down, to consider the place Benjamin F. Wade fills in history. With this 4th day of March, a continuous service of eighteen years, the most eventful eighteen years in the history of the Republic, is brought to a close. It began in the time when the slave power dominated everything, when it claimed as its right the control of the government, when the few who questioned the right did so at their personal peril. It was Benjamin F. Wade, the "manliest of men," as an admiring friend justly described him, who, by his courage and frank character, struck down the bludgeon, banished the *code* from the Senate chamber, and maintained the right of the minority in debate. Where now are Toombs and Benjamin and Davis and Mason and Hunter and Wigfall, who felt his power in debate and who withdrew from the national councils when the principles so long proclaimed by Wade had triumphed? Their fate was bound up in the history of the now fallen Confederacy. Their political foe is about to withdraw into an honorable retirement, poor in the goods that constitute wealth, but rich in the esteem of a grateful constituency; rich in the fame that ability, industry, independence, courage, integrity and unselfish devotion to the public interests win. In his long public career he has been incapable of any compromise of principle from considerations of personal popularity, holding himself above all political intrigue to maintain or advance his own position.

When Mr. Wade was first sworn in eighteen years agone he was in the prime of life, tall and vigorous of form, of grim visage, a man of open, frank, downright ways and plainness of speech. He retains his personal characteristics, but as he stands by the side of his successor at seventy years of age, his hair and eyebrows are snow-white, "his firm and fine-grained face smooth-shaven and florid; his unwinking, intensely black solemn eyes, in which lay the unquenchable fire under a thin veil of lashes, always ready to flash; his form a little rounded

and fuller; erect, with no diminution of mental or physical force, *sui generis*, yet the peer of peers." [1] As he descends from the platform and passes out of the chamber an historical epoch closes. New men of different education and experience, of different type, in the world's present opinion, perhaps less narrow, are gradually succeeding to the control of the Senate.

The new members are sworn in by Mr. Colfax, and then all pass out to the east portico, where the Chief Justice, holding the precious Bible of Washington, administers the oath of office to Ulysses S. Grant. There are the plaudits of the multitude, the roar of artillery and the reading of the inaugural of the new President. In all these ceremonies Andrew Johnson has had no part. General Grant declined to approve any arrangement that would place him by the side of his predecessor, and so the latter and the members of his Cabinet remained within the Executive Mansion until half past twelve o'clock. Mr. Johnson then drove to the residence of John Coyle, leaving the Mansion in charge of General Schofield.

"All laws will be faithfully executed," said the new President, "whether they meet my approval or not. I shall on all subjects have a policy to recommend, but none to enforce against the will of the people." The intent of this declaration was undoubtedly understood by Mr. Johnson as he read it in the seclusion of his friend's house.

The country having just emerged from a great rebellion [the inaugural continues], many questions will come before it for settlement in the next four years which preceding administrations never had to deal with. In meeting these it is desirable that they should be approached calmly, without prejudice, hate or sectional pride, remembering that the greatest good to the greatest number is the object to be attained. This requires security of person, property, and free religious and political opinion in every part of our common country, without regard to local prejudice. All laws to secure these ends will receive my best efforts for their enforcement.

[1] *B. F. Wade*, by A. G. Riddle, p. 282.

Great emphasis is laid on questions of revenue and finance which include the payment of the public debt.

To protect the national honor, every dollar of government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay.

This was quite up to the requirement of the public interest. A word of sound advice followed: "A united determination to do is worth more than divided counsels upon the method of doing."

In accordance with the requirements of the new law, the Forty-first Congress organized on the 4th of March. James G. Blaine of Maine was elected Speaker by a vote of 135 to 57 cast for Michael C. Kerr of Indiana. There was still a large Republican majority, but the greater strength of the minority was calculated to lessen the chances for improper legislation. Four men of national reputation entered the Senate for the first time and received recognition for superior attainments or experience in the administration of public affairs. Mr. Henderson of Missouri was succeeded by General Carl Schurz; Mr. Wade of Ohio by Allen G. Thurman; Mr. Dixon of Connecticut by William A. Buckingham, who was conspicuous as a "War Governor"; Mr. Patterson of Tennessee by William G. Brownlow, whose loyalty to the Union the entire power of the Confederacy could not crush out. George Frisbee Hoar of Massachusetts and Eugene Hale of Maine first entered the national public service as members of the House.

In the weeks preceding the inauguration of General Grant, the newspapers of the day were greatly perplexed over his reticence and the ignorance of his personal friends as to his plans of administration. They found the method of military headquarters projected into civil affairs and had many misgivings as to the final outcome. There was no mysterious

movement of staff officer or friend that they could form a conjecture upon. This unhappy situation did not lessen speculation a whit. Ingenious correspondents offered many conjectures of Cabinet appointments to be made by the incoming President, which served a useful purpose in the editorial rooms of their respective papers. One of the chief attributes of the editorial function is to seem to know all things and the reason therefor. It serves a useful purpose in the enlightenment of the world. If it stimulates the popular excitement, it also carries with it the power to soothe and lessen any disappointment by oracular explanations which carry with them the conviction that the editor is privileged to enter the inner temple. The first communication President Grant sent to the Senate, March 5th, falsified every prediction. It nominated for Secretary of State, Elihu B. Washburne of Illinois; for Secretary of the Treasury, Alexander T. Stewart of New York; for Secretary of the Navy, Adolph E. Borie of Pennsylvania; for Attorney-General, E. Rockwood Hoar of Massachusetts; for Postmaster-General, John A. J. Creswell of Maryland; for Secretary of the Interior, Jacob D. Cox of Ohio. These were promptly confirmed by the Senate. No nomination was made for Secretary of War, which was intended as a compliment to General Schofield.

When some one discovered that the law of September 2, 1789, which prohibits the Secretary of the Treasury from being concerned in the business of trade or commerce, rendered the New York merchant ineligible, General Grant sent a message to the Senate and asked that Mr. Stewart be exempted by joint resolution of the two Houses from the operation of the law. Senator Sherman introduced a bill to repeal so much of the act of 1789 as prohibits a merchant from becoming Secretary of the Treasury. There was a reluctance on the part of the Senate to disturb the prohibition, and although Mr. Stewart offered to put his business in the hands of trustees during his entire term and to devote the proceeds to some charity, that body would not yield its scruples. Mr. Stewart resigned, whereupon George S. Boutwell was made his successor.

Mr. Stewart and Mr. Washburne had notice of the intentions of General Grant toward themselves, but others first learned of their appointment to Cabinet positions after the President had taken action. They hesitated before accepting, whereat the head of the government, unfamiliar with the duties of his position, was surprised that "he could not order eminent civilians into office as he had been used to sending soldiers to a new command." [1] Mr. Borie, a successful man of business, had no liking for official position, and he accepted the appointment to the Navy Department merely to give the President time to find a successor. He remained in office until June, when George M. Robeson of New Jersey was appointed to succeed him. The commendations of the selections for Attorney-General and Secretary of the Interior were universal. When Mr. Boutwell was appointed to correct the Stewart mistake, the editor of *Harper's Weekly* expressed the hope that the President would not think it necessary to "lose the services of a man so thoroughly able and so acceptable to the best judgment of the country as Attorney-General Hoar, merely because he is from the same State with the Secretary of the Treasury." [2] General Cox's accomplishment, ability and thoroughness in mastering details admirably fitted him for such a complex business office as the Interior Department had come to be. The country was treated to another surprise in a few days when Mr. Washburne was nominated for Minister to France and Hamilton Fish of New York for Secretary of State. General John A. Rawlins, who had been chief of staff to the armies of the United States and the unselfish friend of the great commander, was made Secretary of War.[3] If the Cabinet as thus constituted disappointed many politicians, it was acceptable to the country. General Grant, while choos-

[1] *Grant in Peace*, by Adam Badeau, p. 166.

[2] But Mr. Hoar retired in a year and was succeeded by Amos T. Akerman of Georgia. The President nominated him for Justice of the Supreme Court, but he had not made friends in the Senate and the nomination was rejected. Secretary Cox resigned also, and was succeeded by Columbus Delano.

[3] General Rawlins filled the office until his death on September 6th. W. W. Belknap of Iowa was appointed his successor—a most unfortunate selection.

ing advisers to please himself, had selected men of high character, with political convictions in harmony with what was best in the record of the Republican party.[1] Mr. Washburne was probably disappointed. He wished to be Secretary of the Treasury, and had fitness for the office. He had an ambition to be President, and might naturally expect to become the successor of General Grant. He was sent abroad, distant from the field of political activity. It could never be said, while he was in Paris, that he was the directing mind of the administration.

It was the privilege of the President to appoint his own successor as head of the army. Sherman of course became General. Many hoped that General George H. Thomas would receive the promotion of Lieutenant-General, but the President followed his personal preference and sent in the name of Philip H. Sheridan.[2] He had an admiration for Sheridan's ability as a soldier, and a brotherly affection for him as a man, while he never quite appreciated Thomas. This great Virginian, whose loyalty to his country stood the test of revolution when Lee's did not, was accorded recognition during the war by the Washington authorities with seeming reluctance, and this was a disadvantage that never could be overcome. It was a shadow the influence of which General Thomas always felt. Congress had inserted a clause in the general appropriation bill, March 3d, providing that there should be no new commissions, no promotions and no enlistments in any infantry regiment until the total number of infantry regiments should be reduced to twenty-five. March 10th, the Secretary of War issued orders for the consolidation of regiments to meet the views of Congress. Under a plan of reorganization proposed by General Sherman, the active force of the line required by the public service was 29,750 men. Four military divisions were created—that of Missouri commanded by Lieu-

[1] The Cabinet "represents the new time. It stands for honor, unity, justice and peace."—George William Curtis in *Harper's Weekly*, March 20th.

[2] General Schofield was promoted Major-General *vice* Sheridan, and C. C. Augur, Brigadier-General *vice* Schofield.

tenant-General Sheridan; the division of the South, Major-General Halleck; the division of the Atlantic, Major-General Meade; and the division of the Pacific, Major-General Thomas.

There were many applicants for office in Washington anticipating the speedy removal of the adherents of Andrew Johnson, but the tenure-of-office law served now to exclude the friends of those who devised it. The President, who chafed under this restriction of his power, refused to give any encouragement to those who were seeking recognition. He let it be understood that until the law was repealed he should do nothing. Congressmen were anxious to submit the claims of their constituents to the President and the heads of departments as speedily as possible. Accordingly, on the 10th of March, Mr. Butler introduced a bill to repeal the obnoxious law, which was speedily passed by the House. It reached the Senate on the same day and was referred to the Judiciary Committee. Here a division arose which resulted in an agreement to recommend the suspension of the act until the next session of Congress, when it could either be repealed or some new law regulating the civil service should be enacted. Meanwhile, by the suspension of the law, the administration would not be embarrassed or obstructed in its efforts to introduce reform in the public service.

The impotency of this conclusion was subjected to the merciless criticism of Mr. Thurman, whose weight in debate was recognized and respected. Until it was thought necessary to check Mr. Johnson, there were but two interpretations thought of: one an interpretation that gives to the President an unqualified power of removal, the other an interpretation that requires the concurrence of the Senate in the exercise of the power of removal. A third interpretation had lately been suggested—"that the President may exercise the power of removal, but subject to such regulations as Congress in its wisdom may prescribe." This view Mr. Thurman held to be totally inadmissible. One of the two early interpretations must be correct. "If the Constitution vests the power in the President with the concurrence of the Senate, it is equally in-

admissible for Congress to restrain or limit or restrict a power thus vested in the President and Senate." This was not a subject for legislation but for constitutional interpretation. It had been stated by Mr. Trumbull that a majority of the Senators believed that the true interpretation of the Constitution requires the concurrence of the Senate in the removal of an officer. If the bill to suspend the law should pass, would not the universal comment be, that the Senate of the United States interpreted the Constitution to mean one thing when one man was President, and to mean another thing when another man was President?[1]

Thus brought face to face with their inconsistency, Senators were glad to recommit the bill. On the 24th of March Mr. Trumbull reported back the bill with an amendment which was, in effect, a new measure, as it struck out the offensive clauses of the tenure-of-office act. It received the approval of the Senate, but on meeting with objections in the House it went to a conference committee where it took final shape and was passed by both Houses.

The first section of the act provides that all persons appointed by and with the advice and consent of the Senate, except judges, shall hold their office during the term for which they were appointed, unless sooner removed by and with the advice and consent of the Senate, except as is provided in the next section. The second section authorizes the President, during a recess of the Senate, to suspend from office any officer appointed by and with the consent and advice of the Senate, until the end of the next session of the Senate, and requires him within thirty days after the meeting of the Senate to make nomination in place of all suspended officers; if such nomination is not approved, he shall, as soon as practicable, make another nomination, and if none of the nominations is approved, his authority to suspend under the law expires with the session, and the old officer takes possession of the office. By the work of the conference committee the intent of Congress remained obscure. Thus in case of the suspension of an

[1] *Annual Cyclopædia*, 1869, p. 193.

officer, it was asked, What would be the effect if the Senate did not refuse, and did not confirm an appointment made by the President? The Senate adjourns without action. Is the office then vacant, or is the suspended officer restored? Senator Trumbull replied that he is restored. General Butler, speaking for the House members of the committee of conference, said the office is vacant. He believed in the spoils system. Mr. Trumbull was one of those who called in question the practice of the government; who thought it prudent to check the perilous power lodged with the executive. Was it lessened by this new contrivance for regulating appointments? Would not the effect be to set up a new, a many-headed power in the Senate, to be at all times a menace and capable and willing to coerce the executive? Was not the decision of the early Congress which left the power to remove at pleasure with the President upon the whole the safer? Practice, according to Mr. Webster, had interpreted the Constitution. The accident of Andrew Johnson invited a departure from that interpretation.

The Virginians who had constituted the ruling class of the old commonwealth came to the conclusion at last that they had made a mistake in not accepting promptly and cheerfully the logical results of the revolution which they had helped to inaugurate. That they were not permitted, as soon as the war closed, to resume their relations to the national government and continue the old social order, they regarded as an infringement of their constitutional rights and a gross usurpation on the part of Congress. Their pride rebelled against all conditions. They would recognize the negro only as an inhabitant under subjection. All whites who differed from them were aliens, or "scalawags," to be ostracised and to have no part in government. This was aristocracy shorn of power and without the trappings and tinsel of the days of slavery. Finally they awoke to the realization that while they were contemplating their grievances in retirement, others not so well qualified as themselves to deal with problems of state were forming a constitution for the commonwealth which

would not only render them ineligible to any office, but deprive them of the right of suffrage, and render them incompetent to serve on a jury, civil or criminal.[1] What they were, perhaps, once willing to mete out to others was being measured out to them. It was oppression and oppression due to their own folly. They awoke into new life and to better resolutions. They decided to pay some regard to others' rights and seek relief from a situation that was fast becoming intolerable. They clothed a committee of nine citizens with full power.

This committee went to Washington to obtain relief. The House had already passed a bill for the restoration of Virginia under the obnoxious constitution. The members of the committee made a plain statement of the facts to General Grant (who was not yet President) and to the Judiciary Committee of the Senate. A favorable public sentiment was created in the North with the help of leading Republican newspapers. Opportunity was secured for the more intelligent classes in Virginia to obtain a share in the work of restoration. In a little more than a month after his inauguration President Grant sent a special message to Congress recommending that provision be made by law for submitting the constitution that had been framed for Virginia to a vote of the people of the State, and for taking a separate vote upon such parts as had been objected to. The necessary legislation was provided not only for the action of Virginia, but also for Mississippi and Texas. In each case a Legislature, State officers and members of Congress were to be chosen on the day set apart for the adoption or rejection of the Constitution. The Legislatures were required to ratify the Fifteenth Amendment before the States could be admitted to representation in Congress. This condition was denounced by Democratic members as coercion. The Fifteenth Amendment to the Constitution, Senator Bayard of Delaware declared, was the most dangerous claim of power, the most destructive to our system of government that ever was or could be devised.

[1] *Restoration of Virginia to the Union*, by Alex. H. H. Stuart. Pamphlet. I follow the thread of Mr. Stuart's account.

The election in Virginia was held on the 6th day of July and resulted in the success of the Conservative Republican party. The Underwood Constitution, as it was called, was adopted, but with the test oath and disfranchisements expunged. Gilbert C. Walker, a man of high character, was elected Governor with a Legislature that fairly represented the people of the State. The election in Virginia was the first instance in which the best men of the South came forward to participate in reconstruction, and it was interpreted to mean an acceptance of the situation in a sense much broader than that of mere acquiescence in the demands of any political party. It was a breaking away from a position that was inconsistent with new conditions—with the obligations of intelligent men to the whole community. The movement was not approved by the extreme Southern men of other States, who regarded it as unfavorable to their interests.

It is the very respectability of the successful candidates [said a Southern writer] that is a fatal blow to the aspiration that, since the war, has lingered in the South, of preserving something of a political school and public sentiment distinctively Southern. It means the disintegration of anything like a peculiar Southern civilization; the abandonment at last, by the intelligence and respectability of the South, of the hope of rescuing anything considerable from the ruins of its old institutions, and of an opposition towards reconstruction looking for a reaction.[1]

The influence of Chief Justice Chase was exerted to bring about a Union between the Walker Republicans and the conservative men of the former parties of the State. He effected a division in the colored vote which, without his advice would have been almost entirely cast for H. H. Wells, the candidate of the radical party. The Legislature complied with the requirements of Congress as to the constitutional amendments. It elected as Senators John F. Lewis, the Lieutenant-Governor, and Judge John W. Johnston, a relative of General J.

[1] "Counting all its moral effects on the South, it is an event in history—the date of a new departure in the whole moral and political organization of the South."—E. A. Pollard in the New York *Sun*.

E. Johnston. Mr. Lewis was a consistent Union man during the war, while Mr. Johnston shared in the fortunes of the Confederacy.

Our attention is invited to a novel state of political affairs in the North. The relation of men to parties was unsettled. There were Democrats who wished their party to take a new departure in the spirit of the new time, and there were Republicans of Democratic origin in sympathy with this aspiration. There were Republicans who had not assented to the reconstruction policy of Congress who wished to see a reunion of the elements of the party under a conservative administration, whose attention should be devoted principally to questions of finance and taxation. The Seward Republicans had hoped that Charles Francis Adams would be invited to take charge of the State Department, and they were grievously disappointed when the appointment of Mr. Washburne was announced. The Chicago *Tribune* declared it to be a mistake, and as early as May was lamenting the lost prestige of President Grant's administration. It was disturbed by the signs of a personal government, and insisted that the time required the services of men of experience—that statesmen should do the work of statesmen. Who were embraced in the recognized list of statesmen? Before the war Mr. Buchanan was and Mr. Lincoln was not. In 1868 Mr. Adams certainly stood high among statesmen, but his voice was not heard in the campaign. And there were great issues involved, when it was the duty of patriotic citizens to declare themselves. This was the time when he chose to separate himself from the Republican party. Could he consistently become a member of a Republican administration in 1869? Those who had urged the appointment of Mr. Adams regarded the ties of party but lightly, and after a time cast them off altogether. Those who had expected overmuch in the morning of the administration continued to grumble.

Others were impatient for the inauguration of a new policy. This, as originally formulated in the columns of the Cincinnati *Volksblatt*, embraced three propositions: The substitution of

a moderate revenue tariff for the "unjust and ruinous" protective tariff of the war time; the establishment of a civil service instead of the existing "wild chase for office and distribution of spoils," and a speedy return to specie payments. The Republican party, it declared, needed a new programme and the infusion of new ideas, if it was to secure a new tenure of efficiency. Its former task had been gloriously accomplished. Let it now root out corruption and enter upon a new career of victory and greatness, which would regard politics as something different from a mere scramble for local offices. Let the Republican party bring to the consideration of commercial questions the same devotion as to the settlement of the slavery and suffrage questions.[1] The new movement was started in Boston. Soon afterward the Rev. Henry Ward Beecher presided over a revenue-reform meeting held in Brooklyn. This participation in secular affairs provoked the caustic criticisms of "Veteran Observer" in the New York *Times*, who was an early champion of the protective policy. These differences will influence party divisions later.

Meantime, the administration, fairly launched, was receiving assurances of public confidence. The States were rapidly ratifying the Fifteenth Amendment. The Republicans won at the spring election in Connecticut, doubtless to the great surprise of ex-Senator Dixon. The change of public sentiment in that State was very decided. When the question of equal suffrage was first made an issue there, it was defeated by a majority of seven thousand. In the spring of 1868 the Democrats elected the Governor by nearly two thousand majority. In the autumn the State was carried for Grant. In the spring of 1869 the Republicans elected the Governor and gained

[1] The editor of the *Volksblatt* began advocating a new departure soon after the election of General Grant. A summing up of his views will be found in his issue of April 21, 1869. Following this, a call was circulated among leading Republicans for a meeting to effect a local organization on the basis given in the text. Among those active in the movement besides Mr. Hassaurek were Judge Stanley Matthews, Judge William M. Dickson and Lewis E. Mills. In the following year these liberal Republicans added another plank to their platform, namely, that local or municipal government should be non-partisan.

two members of Congress. After these later reverses, a national Democratic party apparently disappeared. That is, there was no unity of purpose in the ranks of the opposition from the Atlantic to the Pacific coast. There was no distinct principle of public policy avowed. In the absence of this, the Bourbons in a majority of the States resumed the business of hurling epithets at the negro, and denouncing the doctrine of the equal rights of man. This was varied in some sections by an advocacy of unsound financial views, the ultimate aim of which was a partial repudiation of the public debt. There was no longer any insight, no longer any heroism in the Democratic leadership. Whatever there was vital in the party was a reminiscence of Copperheadism, of the Knights of the Golden Circle, of the Sons of Liberty, which served as a rallying point for the disappointed and the disaffected.

In an effort to get away from the past the Democrats of Massachusetts nominated John Quincy Adams, a former Republican, for Governor; but in other States they met with indifferent success in forming such alliances. The Democrats of Ohio in convention at Columbus, on the 7th of July, weary of defeat, resolved to take a new departure, and placed in nomination for Governor General William S. Rosecrans, the one of all the prominent army commanders who enforced the emancipation of the slaves with zeal, and most bitterly denounced the peace men of the North. "Tell the people of Ohio," said Rosecrans to a citizen of that State on the 14th of October, 1863, "that this army would have given a stronger vote for Brough, had not Vallandigham's friends over yonder killed two or three thousand voters the other day at Chickamauga."[1] The only basis the Democrats had for the hope that this conspicuous Union general might accept the nomination for Governor at their hands, was the known fact that the hostility of General Grant pursued him even now that peace had come.[2] Rosecrans was at this time minister to the

[1] General Garfield at Mount Vernon, Ohio, August 14, 1869.

[2] General Adam Badeau relates that after General Grant had been elected, but before he was inaugurated as President, he caused Mr. Romero, formerly Mexican

republic of Mexico. When he accepted the commission from President Johnson, a friend expressed to him the hope that he would not allow himself to be mixed up with politics. General Rosecrans replied that he need have no fear—he would not compromise himself. He now declined the Democratic nomination for Governor.

There was a great deal in the general conditions prevailing in the country to encourage the leaders of the Democratic party, who were making the campaign in Ohio in 1869 a national one. There was the unrest among the class of Republicans impatient for new issues. There was a feeling of uncertainty as to the business future, as prices of commodities fell and wages remained unadjusted. In the two years preceding June, 1869, there had been a fall of one half in the prices of wheat and flour and potatoes. The best superfine flour sold, in June, 1867, for $9.50 a barrel, and in June, 1869, for $4.75 a barrel. While this lessened the cost of food to consumers, it was a hardship to the farmer. In most wheat-growing regions the producer received less than a dollar a bushel for his wheat, and that in depreciated money. Four years after the war the dollar was worth seventy cents, which was less than when the contest closed. This fact was patent to all, but all did not look to the cause. As the compensation of labor and capital in farming declined, there was a falling off in the demand for manufactured goods and a threatened decrease in day wages for those employed in other industrial pursuits. The worker in iron who received from five to twelve dollars a day, the mason who got five dollars and the common laborer who had commanded two dollars and a half a day, were discussing the advisability of forming combinations as a means to cure the evils of the time and keep up their own wages. The farmer first yielded to the operation of natural laws. But the

Minister to the United States, but now in official station at home, to be informed that the appointment of Rosecrans was distasteful to him. "The envoy thus would be unable in the short time he enjoyed his honors to execute any important diplomatic business, or to thwart the policy of the incoming government."—*Grant in Peace*, p. 155.

effort of laborers in other occupations to resist these was calculated to increase the cost of production, decrease the demand and add to the number of unemployed. It was difficult to change from the flush times of the past, and suffer the deprivations which were unavoidable in order to reach a sound-money basis, when the greenback or the bank-note received by the farmer or the professional man or the laborer would be worth one hundred cents in gold.

Why was the greenback worth less in 1869 than in 1865? All other forms of public securities had advanced in value.

This note [said Mr. Sherman] is as much a contract and promise as a bond, and its non-payment is as much an act of repudiation as the refusal of the payment of the principal and interest of the bond. There is no want of means to pay the notes. We have enough gold to pay one-fourth of them, and the application of the surplus gold alone would almost, if not entirely, restore the balance to a gold standard. The funding of a small portion of the residue, or even the right to fund them would maintain them at or near par. Why, then, is this not done? The only reason is that public opinion, which controls Congress, will not allow it to be done; that the contraction of the currency or even any measure to advance the market value of the currency without a reduction of the amount will derange prices, disturb the equities between the debtor and the creditor and reduce the nominal but not the real value of all commodities to the gold standard. These considerations are not to be overlooked and careful provisions ought to be made for them. But the standing dishonor of the nation by maintaining in circulation her broken promises to pay without any provision for their payment, with gold lying idle in the Treasury and a surplus revenue of seventy millions, should be speedily put an end to. No party can be charged with this, for public opinion stronger than all parties forbade a reduction of the currency.[1]

The people were also importing foreign merchandise in excess of the products they exported. The state of trade for the ten months ending April 30, 1869, showed a balance of seventy-seven millions in gold against the country, and after that date

[1] Speech at Canton, August 14th. Cincinnati *Chronicle*, August 16th.

the preponderance of imports over exports greatly increased. This balance was being paid in our bonds. It was estimated by foreign bankers that during these ten months bonds to the amount of one hundred millions of dollars had been sent abroad, which realized about seventy-two millions in gold. This one hundred millions, exported to settle the trade balance, added six millions to the annual foreign demand for gold, which was estimated to be already sixty-five millions, to pay interest on United States bonds and other stocks which had been marketed abroad. But the time would come when the supply of bonds would be exhausted, and it behooved the statesmen to devise a fiscal policy to stand the strain of the future. Would the Republican party have the courage to grapple with the difficulties?

The recognized leader of the Democratic party in the United States was Mr. Pendleton, the representative of an old and honored Virginia family, a gentleman of accomplishment and urbanity of manners, and a public orator of universally recognized ability. He

> is more than the Democratic candidate for the governorship of Ohio [said the New York *Times*]. He is the exponent of Democratic opinion and the hope of the great majority of Democrats throughout the country. Cheated out of the nomination for the presidency in the New York convention last year, they look to him confidently as their standard bearer in 1872.

The greenback policy, which was Mr. Pendleton's bid for the presidency, was a living force in the country which the New York *World* attempted to counteract in this manner:

> If there is one Democrat more than another who, as a statesman and a political economist, is pledged, as his party is pledged, to restore "specie payments," and to make a hard-money currency the sole legal-tender, into which all forms of paper currency shall be speedily convertible at the will of the holder, George H. Pendleton is the man; and we fail to see what his opinions on a just interpretation of a statute authorizing the issue of the bonds which are not currency have to do with the matter.

Mr. Pendleton spent some time in New York in the summer in conference with the political leaders of the East, and when he returned home and accepted the nomination for Governor, he endeavored to effect a reconstruction of the platform. It proved a bad piece of joiner work. In addressing his neighbors of Clifton he said:

> The whole policy of the administration should be reversed. Pay the debt, pay it honestly, according to the contract, pay it in money as valuable as that which was received for it; pay it in legal-tender notes; abolish the national-bank system; pay off the bonds on which they are founded; save the yearly interest; use every appliance of economy and management in advancing this policy. Then, when the debt is paid, when taxes are reduced, when seventy-five millions suffice for the government, when all property is subjected to a just rule of taxation, if it be advisable to contract the currency and resume specie payments, it can be effected without disaster, and the inevitable suffering can be borne.[1]

The tone of this speech was more subdued than characterized Mr. Pendleton's utterances in 1868. Then the bondholders were told that if they did not accept paper currency in payment they might "go further and fare worse." Then the Union men of the country were charged with the crime of having created a vast public debt for the benefit of capitalists, and the question was asked the people, "Do you know what a national debt means?" A speaker who could keep out of sight the responsibility for rebellion, and describe the people who saved their country from dismemberment as engaged in mortgaging that country to a few, was quite capable of explaining what a national debt means: "It means that the rich shall be richer and the poor shall be poorer. It means that untaxed capital shall pamper the idle with luxuries, while squalor shall preside in the cabin of the poor, and suffering shall make his life a constant death."[2]

While Mr. Pendleton opposed the Fifteenth Amendment

[1] Speech of September 10, 1869. Cincinnati *Enquirer*, September 11th.
[2] Pendleton at Bangor, Maine, August 20, 1868.

he no longer made color or race the basis of objection. The colored man was taking on a certain character of respectability, and respectability which appealed to politicians. He opposed the adoption of the amendment because it was a material, radical change in our system of government; because it took away from the States without their consent that essential attribute of a self-governing community—the right to determine who shall exercise the right of suffrage. He objected to it because, by the strongest implication, it conferred upon Congress and reserved to the States the right to exclude from the ballot persons of the white race because of their nativity, or their creed, or their want of education, or their poverty, and prohibited only the exclusion of a race as a race.

The political situation in the country in 1869 was such as to subordinate all local questions to national issues. And this was sure to continue to be the case until there should be no longer a doubt as to the maintenance of the national honor untarnished. In far-away California the Democrats in State convention expressed the belief that the adoption of the Fifteenth Amendment to the Constitution was "designed" to degrade the right of suffrage, and if adopted that it would "ruin the laboring white man." In Massachusetts the Democrats accepted the results of the war, including suffrage, without misgivings. In Iowa they opposed the Fifteenth Amendment and favored the payment of the public debt, "according to the strict letter of the contract"; but they added that they would "rather repudiate the same than see it made the means for the establishment of an empire upon the ruins of constitutional law and liberty." They also looked to the final abolition of the banking system, "that pernicious plan for the aggrandizement of a few at the expense of the many." In Wisconsin they rejoiced that slavery was dead. The course of the Democrats of Pennsylvania was similar to that of their brothers of Ohio. Failing to secure General Halleck's acceptance of the nomination for Governor, they selected Asa Packer, who fraternized with Mr. Vallandigham during the war, to make the canvass against General Geary, whose

administration as Governor had been highly satisfactory. There was no change from the Bourbonism of the past. The platform declared that the party was opposed to conferring upon the negro the right to vote. Samuel J. Tilden, supported by Tammany, controlled the New York State convention held at Albany. Here the spectre of repudiation did not appear. The convention declared for the equal taxation of federal securities, for the payment of the debt according to the contract and for the restoration of a sound constitutional currency. The Fifteenth Amendment was denounced as debasing and demoralizing to the representative system.

Mr. Tilden exhorted his friends to let bygones be bygones, and he declared for what he called white labor as against the Chinese immigrant and the colored citizen. But he did not remind his friends that the bygones, including a bloody war, were the work of Democrats, and that certain dogmas of the party must be abandoned because the people had spurned them; nor did he show any consciousness that in a country of which a seventh of the population is colored, and which invites immigration, to declare for one color or race against another is to forbid fair play and to encourage hatred, confusion and anarchy.[1]

Naturally the party opposed the adoption of the new Constitution which made suffrage equal.

Governor Chamberlain was re-elected in Maine in September, notwithstanding there was a Prohibition ticket at the polls, by a good majority. The result proved there was not the dissatisfaction with the administration of President Grant asserted by the opposition press. The States of Pennsylvania, Ohio and Iowa were carried by the Republicans in October,

[1] *Harper's Weekly*, Oct. 9, 1869. The editor in an earlier issue (Sept. 25th) said: "If the same vote were not sure to be thrown against the party in New York, is it supposable that the Democrats would insist upon the present inequality of the suffrage in this State? The Democratic party endeavors by every kind of fraud, as at the last election in New York, to secure the voting of the most ignorant foreigners, who have, and can have, no possible knowledge of the merits or tendency of the issues; is it conceivable that such a party opposes the equal voting of intelligent native citizens because they are colored?"

which showed that the people were not prepared to turn the control of public affairs over to a party whose favorite leaders were committed to an unsound financial policy and to continued disturbance of the general tranquillity of the country by opposition to equal rights. The position of the two parties in regard to these two issues was directly hostile. The Democrats made a most determined effort to win success in Pennsylvania and Ohio, counting much on the dissatisfaction and apathy in the ranks of an administration party immediately following the inauguration of a new President. Governor Geary was re-elected by a majority of from four to five thousand; Governor Hayes by a majority of over seven thousand.

In New York the Democratic candidates for Secretary of State and Comptroller were chosen. General Sigel and Horace Greeley were respectively the Republican candidates. Great indifference prevailed throughout the State. There was a falling off of 208,334 votes as compared with the returns of 1868, which, it was believed, included a large fraudulent vote in New York City. The result of the election in that State was interpreted to mean: (1) an arbitrary discrimination against the equal political rights of the citizens of the States; (2) the continuance of the power of the corrupt Tammany ring under Tweed, which already controlled the State government; (3) the control by legislative enactment of all the great interests of the city—its police, its health, its fire and other departments; (4) a change in the registry law, in order that frauds at the polls might be facilitated.[1]

A State election in Tennessee on the 6th of August resulted in a radical change—in the restoration to political power of that part of the white population compromised by participation in the rebellion. The Republicans were divided on the question of the continued disfranchisement of white citizens, and two candidates for Governor were presented for the suffrages of the party—Mr. Stokes, who was the regular candidate, and Mr. Senter, independent. The latter received the support of Senator Brownlow, who, to the surprise of his party

[1] *Harper's Weekly*, November 20th.

friends, changed his attitude towards the former rebels and aided materially in their restoration. The registry law was generally disregarded and everybody voted. The excess of votes over the number of voters registered must have been nearly fifty thousand. Mr. Senter was elected Governor and a Democratic Legislature was secured which insured a United States Senator to that party in place of Mr. Fowler. A vigorous but futile effort was made to send Andrew Johnson to the Senate. Henry Cooper, a prominent citizen with Whig affiliations, was chosen instead of the ex-President.

The people of the South were making such progress as their limited means admitted. In sections where there were toleration and reasonable security, capital from abroad was being invested for the development of the natural resources. The colored people were working well and advancing in education and in a knowledge of what was required to make their independence in every sense real and beneficial. That there should be evidences of degradation and actual misery was to be expected. That the freedmen were subjected to many and cruel wrongs was unfortunately true. This condition could be ameliorated only by the interposition of moral influences. The white people had need first to be educated to that sense of obligation as citizens which applies to all, without class or race distinction, the same rule.[1] Thus the people of Georgia, after adopting a constitution in conformity with the requirements of the reconstruction laws, unseated the colored members of the Legislature, and admitted to seats some members who were disqualified by the third clause of the Fourteenth Amendment of the Constitution, an article which they had contributed to

[1] Bearing on the question of race prejudice, this incident may be related: Colored delegates were admitted to the labor convention held in Philadelphia in August, on a footing of full and perfect equality. "What was more gratifying, though not half so surprising, was that no speeches were so well worth listening to as those of these same delegates or contained nearly so much good sense and good feeling. The remarks of one of them about the national debt, concerning which there seemed to be a good deal of confusion, if not unsoundness in the convention, were especially worthy of note."—*The Nation*, August 26, 1869.

ratify. The question of the right of a negro to hold office in that State was settled by a judicial decision of the Supreme Court on the 22d of June. But before the violation of the amendment could be corrected and the State properly represented in Congress, the subject of reconstruction, on recommendation of Governor Bullock and the President, had to be reopened. At the close of the year the State was under the military authority of the United States, awaiting the assembling of the Legislature as originally constituted in January. In a report submitted on the 14th of August, General Terry said that he had reluctantly come to the conclusion that the situation in Georgia demanded the interposition of the national government, in order that life and property might be protected, the freedom of speech and political action secured, and the rights and liberties of freedmen maintained. The worst of crimes went unpunished. While many of these had no political bearing, yet some were prompted by political animosity, and most of the numerous outrages upon freedmen resulted from hostility to the race, induced by their enfranchisement.

The radical Republicans in Mississippi were not free from intolerance. They were charged with the responsibility of forming a constitution, and made it so proscriptive in its provisions that it was rejected at the polls and condemned by President Grant and Congress. It was resubmitted in such form as to permit of the rejection of the obnoxious provisions. The Republicans were divided into two classes—radicals and conservatives. The former nominated James L. Alcorn, and the latter Judge Louis Dent, for Governor. The President frankly informed Judge Dent, who was his brother-in-law, that he would have to throw the weight of his influence in favor of the regular or radical Republican party. But he expressed the hope that before the election there would be such concessions on each side as to unite all in favor of reconstruction and in support of one ticket. Judge Dent in his reply said that the conservatives were among the first in the South to organize on the Republican platform and to advocate the civil and

political equality of all men. They were represented in the Chicago convention and some of them had been appointed to office by the President. The radical politicians had become obnoxious to the people of Mississippi because of their proscriptive antecedents and aggressive policy. That policy, he declared,

> consists not only in the continual advocacy of proscription, but in a time of profound peace of such revolutionary doctrines as excite and direct against the white men of the South and their families a most dangerous animosity—such animosity, indeed, which with continuation of the same fuel would inevitably lead to a black man's party and a war of races.

He denied honesty of purpose to his opponents or love of Republican principles and said the politicians sought to "alienate from the planter the time-honored confidence and affection of the colored race, in order that the new political element, under the banner of Republicanism, might be entirely controlled and subordinated to their own purposes of power and aggrandizement." The Democrats who participated in the election voted the conservative ticket. The whole number of votes cast for Governor was 114,283, of which Alcorn received 76,186 and Dent 38,097. The successful party controlled the Legislature. The Fourteenth and Fifteenth Amendments were ratified. General Alcorn, who received the vote of most of the Democratic members, was elected to the Senate for the full term beginning March 4, 1871. General Adelbert Ames was chosen Senator for the term beginning March 4, 1869, and H. R. Revels, a colored member of the State Senate, for the unexpired term which began in 1865. The State was re-admitted on the 17th of February, 1870, and the first colored member of the Senate of the United States was soon after sworn in.

General Reynolds, commanding in Texas, reported an improvement in social conditions in that State. Juries were showing a disposition to punish for murder and other high crimes. During the first nine months of 1869 three hundred and eighty-four murders were committed. There was encour-

agement in the assurance that "the number of crimes of this nature is steadily diminishing." The constitution framed in conformity with the reconstruction laws met the approval of Governor A. J. Hamilton and other conservative Republicans. The radical faction, under the lead of Edmund J. Davis, endeavored to induce Congress to set it aside, but failed. Governor Hamilton was accused of forming a coalition with the Democrats which lessened his influence. Davis was elected Governor, while all parties were fairly represented in the Legislature. Only ten negroes were returned as members of that body. J. W. Flanagan and Morgan C. Hamilton, Republicans, were elected Senators. The State was re-admitted to representation in Congress on the 29th of March, 1870. The first section of the free constitution of Texas acknowledged the Constitution of the United States to be the supreme law, and declared that the State constitution was framed in harmony with and in *subordination* to it. There was no separate and distinct sovereignty.

The time of Congress before the holidays was largely taken up with the case of Georgia, and with consideration of a condition of lawlessness in other States. Senator Warner of Alabama introduced a bill to remove all political disabilities from all persons who were citizens of that State on the 1st of December, 1869. Mr. Stewart of Nevada offered a resolution in favor of universal amnesty after the official declaration of the adoption of the Fifteenth Amendment.

On the 16th of December a resolution offered by Mr. Garfield declaring that the proposition, direct or indirect, to repudiate any portion of the debt of the United States was unworthy of the honor and good name of the nation, was adopted; one vote only was cast in the negative—that of Thomas L. Jones of Kentucky. Some Democrats voted for the resolution; others abstained from voting. The occasion for this action was the indulgence in wild talk about repudiation in the House by William Mungen of Ohio. It was thought best to forestall the effect of such sentiments by an authoritative declaration.

The death of Senator Fessenden in September and of Henry J. Raymond in June removed from the field of American politics two very prominent figures who will be specially remembered for the share they had in moulding and controlling public sentiment during the great contest with the South. Mr. Raymond as a journalist was creative and original. He worked under the inspiration of a high ideal. He understood the full meaning of the responsibility of the editor to the community and lived up to it. He wrote with remarkable facility. As a controversialist he was ready, adroit and fair. His public service was incidental to his career in journalism, and was somewhat impaired by the embarrassment of his relations to Mr. Seward as a member of the Johnson administration.

William Pitt Fessenden's place is in the front rank of American statesmen. He brought to the consideration of public questions a thoroughly disciplined and logical mind and great conscientiousness. He lacked in sentiment, perhaps, and often in debate displayed irritability. At such times his caustic language left a rankling wound. A proud and sensitive soul like Sumner, himself imperious, could not brook the cutting speech of Fessenden, and they were never friendly. And yet the eulogy which Sumner pronounced in the Senate upon the public services of the dead statesman was a noble one. He made this graceful reference to their conflicts: "His words warmed as the Olympic wheel caught fire in the swiftness of the race. If on these occasions there were sparkles which fell where they should not have fallen, they cannot be remembered now." His most conspicuous public service was as successor of Mr. Chase as Secretary of the Treasury, for which position his experience in financial legislation admirably qualified him.

On the 30th of March, 1870, Secretary Fish officially announced that the Fifteenth Amendment had been ratified by the Legislatures of thirty States and was therefore a part of the Constitution. The President made this the occasion to send a special message to Congress, giving advice to the whole people:

Institutions like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism and industry. I call the attention, therefore, of the newly-enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To the race more favored heretofore by our laws I would say, Withhold no legal privilege of advancement to the new citizen. The framers of our Constitution firmly believed that a republican government could not endure without intelligence and education generally diffused among the people. The Father of his Country, in his Farewell Address uses this language: "Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of the government gives force to public opinion it is essential that public opinion should be enlightened." . . . If these recommendations were important then, with a population of but a few millions, how much more important now, with a population of forty millions and increasing in a rapid ratio. I would therefore call upon Congress to take all the means within their constitutional powers to promote and encourage popular education throughout the country, and upon the people everywhere to see to it that all who possess and exercise political rights shall have the opportunity to acquire the knowledge which will make their share in the government a blessing and not a danger.

Interesting demonstrations followed the official proclamation of Secretary Fish. The American Anti-Slavery Society held a rejoicing meeting in New York and disbanded, its work being completed. "At this hour," wrote Mr. Whittier, "remembering the mighty cost of the final triumph which we celebrate, let no word of boasting escape us. Not unto us belongs the consummation, but unto Him who answered the sorrowful sighing of the prisoners with 'terrible things in righteousness.'"[1] The colored people in Brooklyn were addressed on the occasion of their celebration April 11th, by Henry Ward Beecher and Senator Revels. Mr. Beecher spoke in the spirit of the letter of Mr. Whittier:

[1] Letter to chairman of the committee of the Anti-Slavery Society, March 4th.

That great revolution sprang from the hand of Almighty God, and to that same hand we commit this precious liberty, now made symmetric and complete the nation over. And may our example be auspicious to all struggling islands and continents, until round and round the globe there shall be one heart, one liberty and one universal brotherhood in man.

CHAPTER XIII

THE FAILURE OF RECONSTRUCTION

By JOHN J. HALSEY, Professor of Political Science, Lake Forest University.

THE eight years of Grant's administration cover the congressional experiment of Reconstruction in the South. The series of legislative acts, closing with the Fifteenth Amendment, was followed by a series of efforts to apply the law to the situation. These eight years witnessed the attempt of the Republican North to force the "solid" white South to accept its interpretation of the results of the war—an interpretation based upon logic rather than on the Constitution. They began in the rule of the Freedmen's Bureau and the carpet-bagger, and they ended in the rule of the Southern white man, brought about by all the forces of silent obstruction, of which the Kuklux Klan was but one. Could the South have met the earlier efforts for its reconstruction—as planned by Lincoln and carried on by Johnson — in a broad and generous spirit, and extended to the negro the same tolerance that the rebel himself was granted, much of the evil of those terrible eight years might have been averted. Or had President Johnson conceded the authority of Congress in the work of reconstruction in the same degree as it was afterwards conceded by President Grant, those dark eight years in our national record might have been written in bright colors. But the Southern people being such as they were, with an hereditary bias against the negro in any other position than that of

a menial, and a deep-rooted conviction of his political and social incompetence, it was not to be expected that they would co-operate with the most conciliatory of their conquerors in the restoration of the whole South. Nor is it likely that any less mighty personality than that of Lincoln could have guided so generous a reconstruction policy as he had outlined, amid the pitfalls of Northern aggressiveness and Southern insubordination. A reconstruction policy that should have considered the Southern States out of federal touch by their own acts; decided their status as conquered to be that of territories; and consequently admitted them to that constitutional position as candidates for subsequent statehood, was too simple a solution to be obvious at that time. The ignoring of congressional initiative by Johnson, and the subsequent repudiation of his really statesmanlike policy by an angry Congress, not only wasted valuable years, but had a most unhappy effect upon an embittered community, thus made the victim of cross-purposes at Washington. The spirit that had dictated in nearly every Southern Legislature the adoption of restraining laws, which if carried out, would have reduced the recently liberated blacks to a condition of peonage, was equally manifest in a sullen acceptance of the Fourteenth Amendment with a tacit reservation to defeat its purposes. A second time the South failed to seize, by a generous but shrewd recognition of the negro, an advantage which might have been hers, and which would have established a genuinely solid South against Northern dictation. White-suffrage laws were among the first legislative acts of the recovered sovereignty, and a speedy vengeance followed in the Fifteenth Amendment — made a part of the Constitution as the price of sovereignty.

Georgia was the last of the States recently in rebellion to re-enter the Union. After many delays and evasions, her Legislature having accepted the reconstruction acts and the Fourteenth and Fifteenth Amendments, Congress admitted her to full rights as a federal State by act of July 15, 1870. Curiously enough, this last of the recalcitrants to accept the somewhat drastic conditions of rehabilitation was the first of

the reconstructed States, beyond the border belt, to shake off the carpet-bag rule, and to assert the principle of home rule. In December of the same year in which she was declared to have met all the conditions of reconstruction the Democrats carried the State elections, the carpet-bag Governor, Bullock, threw up his office for its unexpired term and led his Northern henchmen home, and from that day to this Georgia has managed her own affairs. All through these thirty and more years she has shown a more enlightened policy toward her black citizens than any other member of the former Confederacy, steadfastly resisting all proposals for "understanding" clauses and "grandfather" proscription.

Tennessee, happier than her sisters, had never come under the direful "reconstruction" policy fathered by Congress, but the government established there by the executive was allowed to stand, probably to avoid the embarrassment of repudiating a "State" from which the dominant party in Congress had already taken its Vice-President. Since so many of her white population had given the sternest and most devoted evidence of loyalty to the Union, and her blacks were only one fourth of the total population, there was no standing-ground for a carpet-bag government, and Tennessee escaped that devastating curse. All the other Southern States once in rebellion experienced that tyranny, in various degrees of intensity and for varying periods of years. Virginia, "the mother of presidents," was the first to shake herself free, and on the 27th of January, 1870, General Canby turned the State government over to the chosen representatives of her own people. Georgia and North Carolina accomplished the same result later in that year, and their success gave hope and courage to the remaining States. Georgia and Virginia had succeeded in spite of a negro population that verged on one half of the total, while the percentage in North Carolina was only one in three. But in the remaining States the percentage of blacks was very large, with the exception of Texas with one third and Arkansas with one fourth. In all the other States east of Texas the blacks were in the majority; in South

Carolina and Mississippi overwhelmingly so. Consequently Arkansas, Alabama and Texas did not come to their own control until 1874, while South Carolina, Florida, Mississippi and Louisiana must await a radical change of policy at Washington for their deliverance, two years later.

What were the conditions between 1865 and 1876, that made possible these alien governments, which the South endured with such loathing, antagonized with such insidious and persistent methods, and at last overthrew with so great difficulty and so great rejoicing? The war, which had been waged to prevent the secession of certain States because their "peculiar institution" was discussed, censured and perhaps endangered by Northern opinion, had resulted logically in the destruction of slavery. Four millions of newly created freemen were the wards of the nation that had set them free. But the act of emancipation could not remove them from the old environment when it destroyed the old *status*. In truth, it could not prevent the creation of a worse environment on the old spot. The amiable and almost patriarchal attitude of the master to the slave was changed in a twinkling into the suspicious and hostile attitude of a despoiled and humiliated householder toward the innocent yet complacent cause of his misfortunes. Called upon to go on living beside these ignorant and lazy and ungoverned masses of men and women, no longer as masters but as only equals in the eyes of the law, the Southern white men, who could not now command, but must entreat, were unable to establish their new orientation. All their instincts of good government and of order as well as those of dominance and of command prompted them to rule and master these new social forces which swelled so ominously about them. Forgetting, in their thought of self-defence and preservation, that these people had just been snatched from their grasp at a fearful cost to the deliverers, they sought in the interests of their own class to restore the old social order under another guise.

The negro, on the other hand, found himself in a new world, face to face with hard facts. His former means of sup-

port in a life that called for no prevision on his part had ceased, and the one possession remaining to him, for which he had indeed exchanged all the material comforts of life, was liberty. Accustomed, through centuries of dependence, to take no thought for the morrow, nor even for the passing day, he could not realize that the new liberty had thrust upon himself all that industrial responsibility which had hitherto been assumed for him by the superior race, and that if he did not work neither should he eat. Liberty was to him, not an abstraction, but a very concrete thing, and involved the ability to roam at will, and to enjoy in lazy contemplation the one thing that he could realize,—cessation from forced labor under the eye of the overseer. But the land, which the whites in large part still owned, needed his labor, and he as a bread-consumer needed to become a bread-winner, under some form of contract. Much time and infinite patience were required if these economic infants—for both white and black were equally untrained for a world in which the free contract ruled—were to work out their common problem, and begin life anew in relations of mutual confidence and dependence.

Into this problem, already sufficiently perplexed by the nature of the necessary factors, was now introduced the Northern adventurer, ready not so much for its solution as for its exploitation for his own advantage and to his own glory. With him, but with far different purpose, came the Freedmen's Bureau, and behind them both and supporting both marched the provost-marshal and his guard. Of the first of these intruders little that is good can be said. He came to make his fortunes in the prostrate land, and in the multitude of negro votes—relatively larger than a counting of heads would show, through the disfranchisement of so many whites —he found his opportunity. He became, first the friend, then the leader, finally the political master of the blacks, who set him in all positions of power, and shared with him the triumph over the old masters. The Freedmen's Bureau was the outcome of a determination on the part of the North to preserve the helpless black wards of the nation from the evil results of

enfranchisement due to their own improvidence and simplicity. Into its hands was delivered the industrial care of the race, and for its disposal were allotted all lands abandoned or confiscated. In the main the heart of its agents was right and true, but many and fatal were the mistakes of the head which short-sighted and ignorant zeal committed. This great agency of humanity and benevolence became as much detested by the whites of the South as was its disreputable companion, the carpet-bagger. Many noble men and women, from General Howard at the head down to a great multitude of the rank and file, served as its agents and brought blessing and hope and a sturdier hold on life to the blacks committed to their care.[1] But their devotion was lost sight of at the view of mismanagement and intolerance in the general administration, and an almost utter failure to realize that the blacks must either establish some rational *modus vivendi* with the old masters or perish politically before the arts of the superior race. It would have seemed a cardinal proposition for any policy of readjustment that conciliation, tolerance and mutual concession alone could harmonize two alienated races that were forevermore to dwell together. But that these people must forevermore dwell together seemed never to shape itself in the conscious thought of those who claimed the disposal of their destinies. All programmes seemed of temporary import and value.

The State and local governments established by negro suffrages, conducted by Northern adventurers, largely of the carpet-bagger type, and maintained by federal troops, aroused all the latent belligerency of the Southern whites. Many now looked back as to a happier day to the time before reconstruction when the South was divided into military districts and ruled directly by federal generals. Their rule, though harsh, at least was straightforward and honest, and the South was not plundered. Now, Legislatures of Northern white men and Southern negroes, equally exempt from the burdens of taxation, voted away the property of the old masters in such

[1] *Atlantic Monthly*, vol. lxxxvii., p. 354.

fashion as speedily reduced many of them to beggary and saddled the States with enormous public debts. Mr. Chamberlain, the ablest and the best of the reconstruction Governors, who strove in vain against the tide of corruption in South Carolina, has recently pictured the orgy of public spoliation and plunder through which that State was compelled to pass before 1876.[1]

Unable to meet this combination of ignorance and dishonesty in a fair fight at the polls, where they were in a hopeless minority, the Southern white men met it by the secret forces of intimidation and coercion. The Fortieth Congress had thought it necessary in the Fifteenth Amendment to give the negro the ballot, to the end that he might protect himself and the Republican party against any further aggression at the hands of the former masters. The gift had proved a curse rather than a blessing, and had delivered the negro into the hands of his enemies. His ignorance and credulity had been made use of by the carpet-bagger to overthrow the political ascendency of the old masters; they in turn determined to play upon those same traits to recover the control. The agency principally made use of for this purpose had come into existence in the only reconstructed State that had not felt the tyranny of carpet-bag government. Originating in Tennessee in 1866, in the semblance of a Greek letter society, and for the harmless purpose of promoting foolery of the "high jinks" order, the Kuklux Klan, with its *camaraderie* and secrecy, was an instrumentality well adapted to the work now in hand. Violence, even to murder, there was undoubtedly much of, but the great underlying force through which the movement acomplished its end lay in the realm of the mysterious, the suggestive, the supernatural, to the unsophisticated mind of the negro. The appeal to the white office-holder, whether carpet-bagger or "scalawag," was of a sterner sort, and one that all men could readily understand. One by one, in all the States but the four "black" States, county and section and State was slowly returned to the "Southern" supremacy by

[1] *Atlantic Monthly*, vol. lxxxvii., p. 473.

methods in which, when the "headless horseman" failed, the "shot-gun" played its part. The carpet-bagger found safety in his former Northern home—the negro in an engrossing application to industrial pursuits and a long farewell to the political arena. The movement of hidden forces which produced this result, in spite of Federal authority emphasized by the presence of Federal troops in every Southern State, has been compared by William Garrott Brown[1] "to that secret movement by which, under the very noses of French garrisons, Stein and Scharnhorst organized the great German struggle for liberty."

Congress did not look on quietly at this political obliteration of the negro, this practical undoing of the Fifteenth Amendment. Its first action was taken in the early months of 1870, when all the Southern States except Tennessee were still in the hands of the Republicans, and when the system of terror and intimidation practised by the South had as yet produced small effect in exclusion of negroes from the polls. A bill "to enforce the rights of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color or previous condition of servitude" was introduced in the House by Mr. Bingham of Ohio, on the 21st of February. Referred to the Judiciary Committee, it was reported back on the 9th of March with a substitute in the form of an amendment. The bill and substitute were recommitted and an amended bill was reported back on the 16th of May. There was no discussion: the Republican party was too strong and too united to be under the necessity of any argument. The bill was passed on the day of its report under a suspension of the rules, and came up in the Senate on the 17th. A Senate substitute was passed by that body on the 20th, was accepted in committee of conference, and became a law on the 31st of May. It enacted pains and penalties for any officer of election in any State, territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, who should refuse or

[1] *Atlantic Monthly*, vol. lxxxvii., p. 634.

knowingly omit to give full effect to this enactment, it being made his duty to give equal opportunity to every properly qualified citizen to vote. It enacted the same punishments for any person who should obstruct or hinder any citizen in his attempt to vote, either by means of bribery, or threats of depriving such person of employment or occupation, or of ejecting him from rented house, lands or other property, or refusing to renew leases or contracts for labor, or by threats of violence to himself or family. It gave to the courts of the United States exclusive jurisdiction in all cases arising under the act, and also made it the duty of all district attorneys, marshals and commissioners pertaining to such courts to prosecute all offences committed under its provisions, and authorized the President to use the federal forces in aid of all judicial processes issued under the act. Finally it gave to the federal courts the decision in all cases where a defeated candidate challenged the election of his opponent by reason of denial to any citizen of the right to vote on account of race, color or previous servitude.[1]

It was shown in the brief debate in the Senate that the act went beyond the Fifteenth Amendment. Senator Hamilton of Maryland maintained[2] that the amendment "confers upon Congress no power of affirmative legislation under it"; that "it is entirely negative and prohibitive in its terms; it denies, it prohibits, the exercise of certain powers," first to the United States, then to the States, but not to the individuals in the States. But this act made it a misdemeanor with heavy penalties for any person to hinder in any way in any State or territory the voting or qualifying to vote by any citizen. But the constitutionalists were overwhelmed by the logic of events, and for twenty-four years the Force Laws remained on the statute-book.

If Congress entertained the thought that its enactment would meet the situation in the South it was speedily disappointed. Legislation so drastic as to make a misdemeanor of

[1] *Congressional Globe*, 2d Sess., 41st Cong., part 7, p. 661.

[2] *Ibid.*, p. 353.

"refusing to renew leases or contracts for labor" overshot the mark and could not be enforced. What *The Nation* said in 1890, with reference to the Lodge Force Bill of that year, was just as true in 1870: "By far the smallest part of the suppression of the negro vote occurs at the polls. The bulk of it takes place long before election, through the influence of the rich on the poor, of the creditor on the debtor, of the employer on the laborer, of the landlord on the tenant. No power the law can create can interfere with the operation of these influences."[1] The act had been hurried through Congress with a view to the elections in the closing months of the year. But so far as they were concerned it was a dead letter. The carpet-bag governments went on plundering the Southern whites through the agencies of Legislatures, local taxing authorities and civil processes in the courts. The clause in the act which empowered the President to employ the military in the preservation of an unobstructed suffrage produced widespread irritation as an invasion of rights safeguarded by the Constitution, and accomplished no good purpose at all commensurate with the dangerous passions it excited. Even Mr. Blaine, who supported all the radical reconstruction legislation, considers that the Republicans on the abstract issue were placed at a disadvantage, and recalling the complaint made by Republicans in 1857 over the intimidation of anti-slavery voters in Kansas by the presence of federal troops, he suggests the application readily made to the existing case in 1870. "It was not unnaturally or inaptly asked whether the presence of the military at the elections of a State of the Union was not even more offensive than their presence at the elections in a territory of the Union which was directly under the control of the national Government."[2]

The continuance of carpet-bag domination, supported by the negro vote and the presence of federal troops in the neighborhood of the polls, kept alive the insidious and inexplicable movement below the surface of Southern society,

[1] *The Nation*, vol. li., p. 44.

[2] *Twenty Years in Congress*, vol. ii., p. 468.

which was slowly but surely to eliminate the negro from politics. Renewed acts of violence irritated and exasperated the Republican majority in Congress to still further legislation.

Mr. Churchill of New York introduced in the House January 9, 1871, a bill amendatory of the act of May 31, 1870, intended "to enforce the rights of citizens of the United States to vote in the several States." Only four hours were given to its discussion, when it was brought up by Mr. Bingham of Ohio on February 15th, and it passed the House that day, although vigorously opposed by Mr. Eldridge of Wisconsin, Mr. Cox of New York and Mr. Kerr of Indiana. It was introduced the same day in the Senate, referred the next day, reported back without amendment February 20th, and passed February 24th after two days' discussion. Yet the minority were not allowed so much as to correct the faulty English of certain passages, and the bill became law February 28, 1871. This act made it the duty of the federal circuit courts to appoint two supervisors, drawn one from each party, in cities and towns of over twenty thousand inhabitants, on the petition of any two citizens. These supervisors were to attend at all registrations of voters, and at all elections for Representatives or Delegates in Congress; to make the registration lists and to mark as challenged all whom they might think improperly registered; "to personally scrutinize, count and canvass each and every ballot in their or his election district or voting precinct cast, whatever may be the endorsement on said ballot, or in whatever box it may have been placed or be found." Jurisdiction over offences committed against the supervisors while engaged in the execution of this act, or against United States marshals while protecting the supervisors, was given exclusively to the federal courts, and any official who was prosecuted in a State court for any action taken under the act might have the case removed summarily to the federal courts. Senator Thurman attacked with much force this last provision, which gave to an arbitrary or corrupt official the opportunity, when prosecuted, to remove the proceedings into a friendly court, before a jury empanelled by one of his own colleagues. Senator Casserly,

with even greater argument, attacked the enactment which authorized a federal supervisor to scrutinize each and every ballot, in whatever box it may have been placed. According to the method of voting then in use in some of the States, although the State and federal elections were held at the same time and place, separate ballot-boxes were assigned. The obnoxious provision therefore placed the secrecy of the local ballot-boxes at the mercy of the federal inspectors. Mr. Eldridge also called attention to the wide area covered by the act, declaring that "the word *town* must be taken in its popular sense, and will be construed in this bill as synonymous with township," making it apply to country districts as well as to cities.

So little did this act seem to meet the evils of the situation in the South, that in less than one month from its enactment, and before it could go into operation, President Grant, in a special message to Congress of date March 23, 1871, said:

> A condition of affairs now exists in some of the States of the Union rendering life and property insecure and the carrying of the mails and the collecting of the revenue dangerous. That the power to correct these evils is beyond the control of the State authorities I do not doubt; that the power of the executive of the United States acting within the limits of existing laws is sufficient for present emergencies is not clear. Therefore I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty and property and the enforcement of law in all parts of the United States.[1]

General Scott, the carpet-bag radical Republican Governor of South Carolina, had already called upon the President for protection against domestic violence, and the day after the special message went to Congress the President issued his proclamation, reciting that "combinations of armed men unauthorized by law are now disturbing the peace and safety of the citizens of the State of South Carolina and committing acts of violence in said State of a character and to an extent which render the

[1] *Messages and Papers of the Presidents*, vol. vii., p. 127.

power of the State and its officers unequal to the task of protecting life and property and securing public order therein." The proclamation ordered the persons composing the unlawful combinations to disperse within twenty days.[1]

The answer of Congress to the special message of March 23d was the "Kuklux Act" of April 20, 1871. The answer from South Carolina to the proclamation of March 24th was that the combinations therein mentioned

> had no traitorous intention whatsoever, but were simply defensive in their nature; that the wholesale pardoning of criminals by the Governor and the vagrancy of the negroes had filled the country with desperadoes who made life, property and female honor insecure; and that as the militia was composed of the friends of these fiends, and the State government itself would not protect the white citizens, it was absolutely necessary for the white people to create some means of united action in self-defence and take the law into their own hands.[2]

The first of the steps that led up to the so-called "Kuklux Act" of April 20, 1871, was a request to the President from the Senate December 16, 1870, for information concerning organizations of disloyal persons in North Carolina. The President transmitted the required reports January 13th and 17th. Senator Morton, on January 18th, called for a select committee on Southern outrages, and the committee was appointed, consisting of Senators Scott, Wilson, Chandler, Blair, Nye, Rice of Arkansas and Bayard. The committee was reappointed at the opening of the Forty-second Congress, March 4th. The Committee reported on the 10th, and on the 16th Senator Sherman introduced a resolution, which in its final form declared the civil authority to be set at defiance in North Carolina by organized bands of lawless and desperate men, armed, disciplined and disguised, and bound by oaths and secret obligations; that the courts were rendered powerless to punish through organized perjury; and that there was good

[1] *Messages and Papers of the Presidents*, vol. vii., p. 132.

[2] *Reconstruction and the Constitution*, John W. Burgess, p. 259.

reason to believe that similar conditions existed in many other parts of the South. The Judiciary Committee was therefore to report a bill "to enable the President and the courts of the United States to execute the laws, punish and prevent such organized violence, and secure to all citizens the rights guaranteed them." After an exhaustive debate of three weeks the resolution was adopted on April 5th. Meanwhile, bills had been introduced in the House by General Butler on March 20th, and by Mr. Shellabarger on March 28th, to enforce the Fourteenth Amendment in the Southern States. Mr. Shellabarger's bill was from the select committee to which had been referred the President's message of five days before. After a full and acrimonious debate it passed the House on April 6th, and was made its own bill by the Senate, and became a law April 20, 1871.

The act provided that any one who under color of any State law should cause to any person within the jurisdiction of the United States the deprivation of any rights secured by the Constitution should be held liable in the federal courts. That if two or more persons should conspire together to oppose the government of the United States or to impede the execution of its laws, or to take its property, or to intimidate any one from holding any federal office or discharging its duties, or to coerce in any way any witness or juror in a federal court or any voter for federal elections, or to prevent the constituted authorities of any State from extending to all persons the equal protection of the laws, they should be held liable to fine and imprisonment in the circuit courts of the United States. That whenever such combinations should so obstruct the course of justice that the State authorities should be either unwilling or unable to protect the people in their constitutional rights, it should be the duty of the President to employ the military forces of the United States for the suppression of such combinations: such successful defiance of the State authority to constitute rebellion, to be met by the President in his judgment by the suspension of the privileges of the writ of *habeas corpus*. That any one having knowledge of any of

the aforesaid acts of wrong about to be committed, and being able to prevent it, should be held liable in damages to any one thereby injured.[1]

This act practically would wipe out the autonomy of every State ruled over by carpet-bag governments, and destroy the independence of its judiciary, for it was impossible for any Republican Governor or Legislature in the South to prevent the intimidation of the negroes. Two weeks after it became law, the President on the 3d of May issued a proclamation in which he characterized the law as one of extraordinary importance, and called upon all good citizens and especially all public officers to be zealous in its enforcement, and to abstain from all violation of its provisions. Calling attention to the fact that while it was applicable equally to all portions of the United States, it was especially brought into being by conditions in certain portions of the land, he called upon the people of those parts to be especially zealous in suppressing all disorder and maintaining the equal rights of all citizens.[2]

The President's straightforward words fell, not upon deaf ears, but upon a situation that must become worse before it could become better. The South stood solid for one thing only,—the carpet-bagger must go, and so must the negro from the legislative halls and the multitudinous local offices. Matters did not improve during the following summer. The President was again appealed to, this time from South Carolina, where he was notified that in nine counties combinations and conspiracies impeded the enforcement of the law. On the 12th day of October he issued a proclamation ordering all who were disobeying the law of April 20th to disperse within five days. On the 17th day of the same month he issued a second proclamation suspending the privileges of the writ of *habeas corpus* in the nine disturbed counties. He followed this up by sending a strong military force into the proclaimed counties, and in his annual message of December 4, 1871, he announced to Congress that 168 persons were under arrest and would be

[1] *Congressional Globe*, 1st Sess., 42d Cong., appendix, p. 335.

[2] *Messages and Papers*, vol. vii., p. 134.

held for regular trial in the federal courts, and that several hundred more "whose criminality was ascertained to be of an inferior degree, were released for the present." [1]

In reply to a request made January 25, 1872, by the House of Representatives, that the President would inform the House what action had been taken under the act of February 28, 1871, President Grant, on April 19, 1872, reported that the proclaimed districts of South Carolina were terrorized by powerful combinations, popularly known as "Kuklux Klans," whose objects were "by force and terror to prevent all political action not in accord with the views of the members; to deprive colored citizens of the right to bear arms, and of the right to a free ballot; to suppress schools in which colored children were taught, and to reduce the colored people to a condition closely akin to that of slavery"; that these combinations were connected with similar ones in other counties and States and were no doubt part of a grand system of criminal associations pervading most of the Southern States. In the early part of 1871 a joint committee of Congress had been appointed to investigate Southern outrages, and had visited the Southern States for that purpose. As a result of its report, made in the Senate, February 19, 1872, a clause was introduced into the bill passed June 10, 1872, making appropriations for sundry civil expenses for the fiscal year ending June 30, 1873. By this act it was provided that on demand of ten citizens of any county, parish or congressional district the federal circuit courts should appoint two supervisors; this provision to be amendatory to the act of February 28, 1871. Thus was the implication, as suggested by Mr. Eldridge, in the word "town" made explicit, and the enforcement legislation extended in so many words to the whole country.

These four acts reaching, in their enactment, over a period of about two years, mark the determination of the Republican Congress to enforce the Fourteenth and Fifteenth Amendments. At the close of the period an act was passed which helped to make it more difficult to maintain the negro su-

[1] *Messages and Papers*, vol. vii., p. 151.

premacy in the South. By the Amnesty Act of May 22, 1872, the disfranchised classes of whites were reduced to a small number of persons, and the great mass of the Southern white men were restored to their rights of suffrage. More and more they forced their way into the Legislatures and the offices through their superiority of leadership, and in spite of the Force Laws suppressed the negro, until State after State had passed forever from his control. In the "black States" he still held control. In 1872 Maryland, Kentucky, Missouri, Tennessee, Georgia and Texas elected Greeley electors on the national ticket. In 1874, Alabama, Arkansas and Texas elected Democratic Legislatures and Governors. In the same year South Carolina took one step toward recovery by the election of Daniel H. Chamberlain as Governor. He was, it is true, a Republican from the North, had been Attorney-General of the State in a carpet-bag administration, and had been smiled at by his supporters when he made promises of reform. But a Southern writer testifies to the relentless integrity with which he vetoed the corrupt measures of his negro Legislature, and to the immediate and vital reforms in the administration of justice. "He did not truckle to the whites, as has been charged. He associated with them professedly as a Republican, but avoided insulting their prejudices. He always gave the blacks strict justice. In his appointments he preferred Republicans when fit ones could be found; but where none were fit he would select Democrats."[1] From being an object of suspicion, Governor Chamberlain came to be a favorite in the most aristocratic society of the State. His recent contribution to the history of reconstruction is the most searching condemnation of the carpet-bag rule ever written.[2]

Henry C. Warmoth of Illinois had been for four years, from 1868 to 1872, the Republican Governor of Louisiana, and during his administration the State was financially wrecked. By the end of that period he had quarrelled with the federal officials in the State, and through their influence William Pitt

[1] *Atlantic Monthly*, vol. xxxix, p. 181.

[2] *Ibid.*, lxxxvii., p. 473.

Kellogg, also from Illinois, was put forward as the Republican candidate for Governor. Warmoth threw in his lot with the Democrats, and they together nominated John McEnery, a Southern Democrat. The Republican returning board broke up into two factions, headed by Governor Warmoth and John Lynch, each of whom filled vacancies caused by the other's defection. The Warmoth board returned McEnery, the Greeley electors and a Democratic Legislature; the Lynch board returned Kellogg, Grant electors and a Republican Legislature. Congress, a few months later, threw out both returns for electors, and the State lost her presidential vote. The federal court in Louisiana enjoined the Warmoth board, and the federal marshal, under instructions from Washington, put the Kellogg government in possession of the capitol. In September of 1874, the McEnery forces, under the lead of D. B. Penn, Lieutenant-Governor on the recent Democratic ticket, rose in arms. Governor Kellogg called on the President for troops. On the 15th, President Grant issued his proclamation calling on all disorderly persons in Louisiana to disperse within five days. This ended all resistance to the Kellogg government.[1]

The Legislature of Mississippi, by concurrent resolution, December 18, 1874, in consequence of the lawless condition of things in Warren County in that State by which the legally elected officers were prevented from fulfilling their duties, called upon the President for military aid. Three days later President Grant by proclamation ordered all disorderly persons in that section to disperse within five days. As the November elections in the following year approached the disorders increased in that State, and on the 8th of September Governor Ames appealed to the President for troops. The request was refused, and the Governor was advised to assemble his Legislature and with them seek to restore order. President Grant said most significantly, as heralding the impending downfall of the whole structure, built up so painfully during the past eight

[1] *Messages and Papers*, vol. vii., pp. 212, 223, 276, 297, 305; *Reconstruction and the Constitution*, p. 269.

years: "The whole public are tired out with these annual autumnal outbreaks in the South, and the great majority are ready now to condemn any interference on the part of the Government; I heartily wish that peace and good order may be restored without issuing the proclamation. But if it is issued, I shall instruct the commander of the forces to have no child's play." [1]

At the ensuing election the Southern whites came into complete control. The Senate consisted of 26 Conservatives and 11 Republicans; the House of 97 Conservatives and 19 Republicans; with only five negroes in the Senate and sixteen in the House. Among the first proceedings of the Legislature were impeachment measures against Governor Ames and the Lieutenant-Governor and the Superintendent of Education. The last, a negro, was allowed to resign, the Lieutenant-Governor, also black, was convicted and disqualified for office, and Governor Ames, on March 28, 1876, stated to the Legislature that while he could not withdraw in the face of impeachment, he would do so if the impeachment were abandoned. The impeachment was immediately dismissed by a vote of 78 to 10, in the House, and 24 to 7 in the Senate, and the Governor thereupon resigned. Colonel J. M. Stone, the president *pro tem.* of the Senate, was at once installed as Governor, and the alien rule in Mississippi ended. At the election in 1876 the State's vote was cast for Tilden electors, and the six members chosen for Congress all were Democrats.[2]

When the fall elections were due in 1876 there were but three Southern States remaining under the control of the black voters and the Republican leaders—Florida, South Carolina and Louisiana. The State of Florida was the first of these to revert to Southern white control. The elections of November, 1876, passed off with almost no disorder. The *ex officio* returning board consisted of the Secretary of State and the Comptroller, both Republicans, and the Attorney-General, a Democrat. The majority certified to the election of the

[1] *American Politics*, Alexander Johnston, p. 229.
[2] *Annual Cyclopædia*, 1876, pp. 560–565.

Republican ticket, State and national, after throwing out certain returns as irregular. They were compelled by mandamus from the Supreme Court of Florida to recanvass the vote, and to declare the result on the face of the returns. This they did under protest, and declared the Democratic candidate to be elected Governor, January 2d. On the same day he was installed in office. The State has ever since been in the hands of the Democrats. The majority of the returning board certified to the Republican presidential electors; the Attorney-General certified to the Democratic electors; the new Legislature on January 17th appointed a new returning board, consisting of three of the recently elected State officers, who returned a third certificate, this also containing the names of the Democratic electors. Three certificates thus were sent to Washington.[1]

In South Carolina, leadership, which had hitherto been so notably lacking in that State, was now assumed by General Wade Hampton. The Democrats were organized as never before for the capture of the situation, and by fair means and foul the full white vote of the State was brought out, and the negroes impressed with the propriety of remaining away from the polls. Governor Chamberlain was renominated by the Republicans, General Hampton was the choice of the Democrats. The Republican *ex officio* returning board revised the returns, and declared the Republican electors for President and the Republican State ticket elected, in spite of mandamus proceedings against them in the Supreme Court of the State. Contempt proceedings against the board were arrested by *habeas corpus* proceedings in its behalf in the federal Circuit Court, which declared that the Supreme Court of South Carolina had no jurisdiction over the members of the board, and ordered their release from custody. President Grant also instructed General Ruger, commanding in South Carolina, to sustain the authority of Governor Chamberlain, as present Governor. When the new Legislature met on November 28th, only those members having certificates from the Republican

[1] *Annual Cyclopædia*, 1876, pp. 297–306.

Secretary of State were admitted to the House of Representatives. A Democratic House, consequently, was organized elsewhere. The Republican House, together with the Senate, which was confessedly Republican, canvassed the vote, and announced the election of Chamberlain, who was sworn into office the 7th of December. Five days later the Democratic House, with such Senators as would attend, canvassed the vote—through certificate and duplicate returns—and declared General Hampton elected. He also was sworn in as Governor.

At the beginning of 1877 both State governments and the two Houses of Representatives were in existence. Governor Hampton, however, appeared to be recognized by the civil and judicial officers of the State as the lawful Governor. The condition of affairs in South Carolina was one of the first matters that engaged the personal attention of President Hayes. Both Chamberlain and Hampton were invited to Washington by the President for personal conferences. The President finally determined to withdraw the United States troops from the State House at Columbia. The troops were accordingly withdrawn on the 10th of April, and on the same day Governor Chamberlain issued a proclamation declaring that he should no longer assert his rights to the gubernatorial office. The State government was peaceably turned over to Governor Hampton and the other State officers elected on the ticket with him.[1]

In Louisiana, early in 1876, an attempt had been made by the Southern men to impeach Governor Kellogg, but conflict between a Democratic House and a Republican Senate made it impossible to proceed. The Republican convention in the summer nominated S. B. Packard for Governor; Francis T. Nicholls was nominated by the Democrats. Everything centred in the State elections, which entirely overshadowed that for President. Every effort was made by the Democrats to win the State through the negro vote. The Kellogg administration had become so odious that colored speakers took a prominent place on the Democratic programme. Joseph A. Craig, a negro, issued an address to colored citizens, urging

[1] *Annual Cyclopædia*, 1876, pp. 719–727.

them in the interests of good government and for their own advantage to vote the Democratic ticket. At the request of President Grant, fifteen or more of the most distinguished Republicans in the country, including Senator Sherman and James A. Garfield, visited New Orleans to witness the canvass of the vote. A similar request made by the chairman of the national Democratic committee induced as many more leading Democrats to do likewise. Among the latter were Lyman Trumbull, Samuel J. Randall, George W. Julian and Henry Watterson. An invitation to the Republican visitors to confer with these Democrats unfortunately was refused, for the Republican returning board could not be above suspicion, and a conference might have created the strongest guarantee for impartiality. The board returned Republican presidential electors and State officials, and Republican majorities on the congressional delegation and in both Houses of the Legislature. On the 5th of December, John McEnery, as "Governor of Louisiana," in the presence of the Attorney-General and a district judge, certified, from duplicate returns, the Democratic electors, and the Democratic committee on returns added to this the certification of the election of Nicholls. When the time came for the meeting of the Legislature the same method was followed by the party still in power as had been adopted in South Carolina. Governor Kellogg occupied the State House with police and militia, and no one was admitted without a certificate of election from the returning board. The Democrats organized a Democratic Legislature in another place. Each body protested against the existence of the other, declared the vote in favor of its own candidate for Governor, and installed him early in January, 1877. The Democrats set up new courts, including a Supreme Court, and the courts and police-stations in New Orleans were surrendered to them. General Augur, for the federal Government, merely kept the peace.[1]

So matters stood when the administration of Mr. Hayes began. One of his first acts was to send to New Orleans an

[1] *Annual Cyclopædia*, 1876, pp. 481–493.

unofficial commission of prominent men to prepare the way for his withdrawal of military aid from the State. These men were General Joseph R. Hawley, Judge Charles B. Lawrence, General John M. Harlan, ex-Governor John C. Brown and Wayne McVeagh. Their instructions were to find, if possible, one administration which could be recognized, or, in case that should be impossible, one Legislature. After conferences with men of all opinions and parties, the migration of a few members from the Packard to the Nicholls Legislature gave the latter, on April 20th, what neither body had hitherto enjoyed, —a quorum, and the same day the President, at the suggestion of his commission, ordered General Sherman to withdraw the troops from the vicinity of the State House on the 24th. The next day the Packard Legislature dispersed, and the Democratic Houses were reinforced by the first appearance of over fifty Republican members. The same day the commissioners reported to the President the facts and events that had influenced their advice of the day before. On the 24th the troops were withdrawn to their barracks, and the Nicholls government took full possession of the State.[1]

Thus, after ten years of strenuous effort and of still more strenuous resistance, the now historic plan of reconstruction was abandoned, because the best thought of the North at last realized that it is impossible to solve the social and moral problems of a people from without; that each community must work out its own salvation. It was to be no longer a question of what the best friends of mankind want or even of what the Constitution with its amendments had dictated. The question was to be, What does our knowledge of the laws of mental and social development permit us to expect and demand? Negro citizenship in all that the expression means could not be forced upon an unconvinced and opposing South—not at any rate while the State exists within the nation. It is pathetic to read, since 1890, the pledge given by Governor Nicholls of Louisiana to a colored Conservative club of New Orleans, where he says: "Any law attempted to be

[1] *Annual Cyclopædia*, 1877, pp. 455–465.

passed directed against a class or race of the community would meet my most determined opposition. No such attempt, however, will be made; for, independently of the constitutional barriers which would stand in the way, the Democratic and conservative sentiment of the whole State is united against such action."[1] Equally pathetic, in the light of recent legislation, are the words of Governor Hampton, spoken in June, 1877, to an audience at Auburn, New York.

> I say to you, men of New York, as I say at home, I owe my election to the colored men of South Carolina. Thousands of them voted for me, knowing that I had been a good friend of their race, knowing that I was the first man after the war to recommend that they should be given the right of suffrage, and I have never yet changed my opinion on this subject. Knowing this, they sustained me in large numbers, and I am happy to say that nearly all the fears of the more ignorant are passing away, and they are satisfied that they will be dealt with in all respects as citizens of South Carolina.[2]

That these pledges given in the two storm centres of resistance have not been realized, a series of "understanding" and "grandfather" clauses in recent Southern legislation testify; that they could have been enforced by a continuance of the reconstruction policy even to the present day, the overwhelming opinion of the North to-day denies. Not otherwise could the North look on in apparent unconcern while the Fifteenth Amendment steadily is being made a dead letter wherever the Stars and Bars once floated. Among the first men to come to this opinion were Republican leaders as radically unlike as President Grant and President Hayes. The opinion of the former is best condensed in his letter to Governor Ames, already cited on page 427. The opinion of President Hayes received most practical emphasis when in April, 1877, he withdrew all military aid from the *de facto* governments of South Carolina

[1] *Annual Cyclopædia*, 1876, p. 486.
[2] *Harper's Weekly*, July 7, 1877, p. 519.

and Louisiana. The day the Packard Legislature disbanded, George William Curtis wrote:

If the negro is abandoned in South Carolina by the policy of President Hayes, he has been abandoned in all the other Southern States by President Grant. Grant did not think it necessary to interfere in Georgia, in Alabama, in Mississippi. Of course if wrong was done in those States, it is no argument for the same wrong elsewhere. But if wrong was done there it was reason for denunciations that have not been heard, and for appeals that should not have been spared. . . . The only distinct reason for the permanent maintenance of State governments by the national arm that we have seen is that of Comptroller-General Dunn of South Carolina, as stated by him to a correspondent of *The Tribune*. He acknowledged the evils of negro government, and wanted to see the color line broken down, but he thought the way to break it down is for the administration to uphold the Southern Republicans until their opponents divide. This is at least an intelligible policy. But it is not new. It has been tried for twelve years. And what is the result? Has there been any division of opponents? Has not the color line been more and more strongly drawn, until the Republican vote has almost come to be estimated by the census of the colored citizens? Has not State after State been withdrawn from Republican control? If it be said that this is because troops have not been freely used, is it not true that they have not been used because public opinion condemned such use, and that the Republican party was rapidly declining in popular confidence because of its supposed purpose of constant military interference?[1]

Two weeks later he wrote:

The Southern policy of President Hayes is called an experiment. The Southern policy of President Grant was confessed by himself to be a failure. At the very end of his administration, on the 1st of March, 1877, his secretary telegraphed to Governor Packard: "The President directs me to say that he feels it his duty to state frankly that he does not believe public opinion will longer support the maintenance of the State government in Louisiana by the use

[1] *Harper's Weekly*, April 21, 1877, p. 302.

of the military, and he must concur in this manifest feeling." The evidence of this public opinion was ample, and it was not the result of mere fatigue with the long Southern trouble to which Governor Chamberlain alluded in his final letter. It was due to the perception that, however necessary at the close of the war and for some time after, this policy was now practically paralyzing the conditions of popular government. It tended to destroy the instinct and the habit of local self-government, which is the root of a popular system. It fostered the hate and the hostility which it assumed; which if justly assumed it could not possibly remedy or remove.[1]

Again, one week later, he wrote:

The action of the administration has shown the intelligent people of the Southern States what they have not hitherto believed: that the Republican sentiment of the North as such is not a hostile and vindictive feeling. The truth is that the real Republican sentiment was very much more considerate, generous and friendly than the spirit of many of the recognized Republican leaders. By enabling this to be seen President Hayes has done a great service to the North and the South. He has disclosed the healing truth that the deep solid sentiment of this part of the country approves and supports a policy which contemplates national harmony by justice and confidence.[2]

Colonel Thomas Wentworth Higginson, who from Boston Common to Kansas had fought the battle of the black man before the Civil War began, and who led the first regiment of former slaves ever mustered into service, said a few weeks after the President recalled the troops:

Let the immediate consequences be good or bad—I firmly believe that they will be good, but no matter for that—there was nothing else to be done. The proof of this lies in the fact that every one who opposes his action has to begin by assuming that South Carolina and Louisiana are still provinces. . . . For him, in time of peace, to keep troops in any State House in order to determine a disputed claim to the governorship, is a stretch of power so great

[1] *Harper's Weekly*, May 5, 1877, p. 342.
[2] *Ibid.*, May 12, 1877, p. 362.

that no State in the Union ought to tolerate it—so great that it ought to be resisted by every peaceful means.[1]

Twenty-five years after these words were uttered, the ablest and most far-sighted man the negro race has produced, and one of the greatest men of his age, spoke to the assembled teachers of California in this wise:

A little more than forty years ago there was but one relation in the South between the races—that of owner and slave, master and servant. During the last thirty-five years all of us in the South, black and white, have been trying as best we could to adjust ourselves to the new conditions, and when we consider the tremendous industrial and political revolution which took place within a few months, I think that all of us have great cause to rejoice that the outlook is no worse than it is. When we consider the very great change, I see no reason for discouragement, but, on the other hand, many reasons for hope and encouragement. What the situation requires now most of all is patience, forbearance and hard, unselfish work and money used in wise directions.

I cannot subscribe to the doctrine, popular with some, that the negro has lost ground during the last dozen years. It is true that we do not have so many men in Congress as formerly, but there are more negroes owning farms and decent homes, and who are taxpayers, than has ever been true in the history of the race. There may not be so many occupying seats in Legislatures, but there are fifty per cent. more who are owning and operating grocery stores and have bank accounts than was true a dozen years ago. We may not make as many stump speeches or attend so many political conventions as formerly, but there are more agricultural fairs, more business, industrial, educational and religious conventions being held than was ever true in the history of the race. While in many cases it is not proclaimed from the housetops, there was never a time in the history of the race when there were so many Southern white men devoting themselves quietly, but earnestly, to assisting in the education and moral uplifting of our people.

While I cannot and will not for a minute shut my eyes to the difficulties that surround us, difficulties that are far-reaching and

[1] New York *Tribune*; quoted in *Harper's Weekly*, May 19, 1877, p. 382.

hard to overcome, I cannot fail to see the encouraging features in the development of our race. In my opinion the problem growing out of our presence in this country is the most serious and perplexing and far-reaching one that is before the country for solution. I believe, however, that we have found the way for its safe, gradual and permanent solution. What we want most of all is education for all the people, education that will keep in mind the past history, the environment and the present needs of those sought to be enlightened.[1]

[1] Booker T. Washington at Los Angeles, San Francisco *Chronicle*, Jan. 3, 1903.

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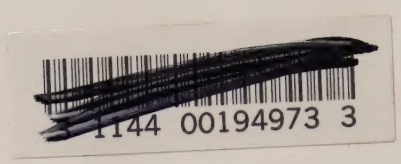
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